

## **7.0 LAWS, ORDINANCES, REGULATIONS AND STANDARDS**

### **7.1 INTRODUCTION**

This section provides an overview of the laws, ordinances, regulations and standards (LORS) applicable to the Morro Bay Power Plant (MBPP) Project (Project). The LORS are presented by topic and, as appropriate, organized into federal, state, local, and industry codes and standards. Table 7-1 provides a summary of the LORS and includes the corresponding Application for Certification (AFC) section(s) where compliance with each of the LORS is discussed. Table 7-2 provides a listing of administrative agencies with jurisdiction to enforce identified LORS as related to local, regional, state and federal issues. Also included are the permits required for this Project, plus the name, title, phone number, and address of the official within each agency who will serve as contact person or is in charge of the permitting approval. A schedule identifying a timeline for obtaining appropriate permits is provided in Figure 7-1.

### **7.2 PROJECT SITING, DESIGN, AND CONSTRUCTION**

#### **7.2.1 ENGINEERING GEOLOGY**

##### **7.2.1.1 Federal Authorities and Administering Agencies**

No federal LORS or codes are applicable.

##### **7.2.1.2 State Authorities and Administering Agencies**

###### **7.2.1.2.1 California PRC §25523(a); 20 CCR 1752(b), (c)**

No Project components occur or cross an Alquist-Priolo Special Study Zone as defined by the California Division of Mines and Geology (CDMG) (see Section 6.3 - Geologic Hazards and Resources, for a discussion of site-specific geology). Therefore, the Project will not be subject to restrictions relative to active faults.

###### **7.2.1.2.2 California Building Code**

The MBPP is in the UBC and the California Building Code (CBC) Seismic Zone 4; the requirements included in the UBC and CBC for Zone 4 apply to the Project. This includes that a 0.4 horizontal ground acceleration (g) be utilized in structural design to provide earthquake-resistant design. The administering agency for the above authority is the California Energy Commission (Commission).

### 7.2.1.3 Local Authorities and Administering Agencies

The City of Morro Bay uses CBC and UBC Appendix Chapter 33 related to excavation, grading and construction. Other local requirements relating to construction and Project design are described below. Unless specified otherwise the administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.

#### 7.2.1.3.1 City of Morro Bay Zoning Ordinance

##### Policy 17.52.040 Vibration.

No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line. (Ord. 263 § 1 (part), 1984)

##### Chapter 17.44 Parking, Driveway and Loading Facilities.

This Chapter describes parking, driveway and loading facility requirements, including spaces, bicycle areas, dimensions, slope and planting. The general specifications are also included in the General Plan circulation element.

#### 7.2.1.3.2 City of Morro Bay Buildings and Construction Ordinance

##### 14.16.030 Retaining Walls

Retaining walls over thirty-two inches within twenty-five feet of any property line or structure shall require a building permit. Walls shall be designed by using approved engineering principles. The building official may require engineered plans when any retaining wall exceeds five feet in height.

##### 14.04 Building and Coastal Development Permits

This Chapter requires building permits for construction within the city limits. This section also requires coastal development permits for when required by PRC Division 20 or Morro Bay Title 17. This permit would be issued by the City of Morro Bay with appeal rights to the California Coastal Commission.

##### 14.20 and 14.24 Electrical and Plumbing Code

These sections specify requirements related to electrical and plumbing that are contained within the building permit 7.3.2.3.1.

#### 7.2.1.4 Industry Codes and Standards

Applicable codes and industry standards related to various geologic and soil features are identified in Appendix 8-3 - Civil Engineering Design Criteria.

### 7.2.2 CIVIL AND STRUCTURAL ENGINEERING

The design of structures and facilities associated with the Project will be based on codes, specifications, industry standards and regulations in effect at the time of design. Applicable codes and industry standards with respect to the Project's engineering design criteria, construction, and operation are summarized in Appendix 8-3 - Civil Engineering Design Criteria, and Appendix 8-4 - Structural Engineering Design Criteria. The administrative agency for the above codes and standards is the Commission.

### 7.2.3 MECHANICAL ENGINEERING

The design of structures and facilities will be based on codes, specifications, industry standards and regulations in effect at the time of design. Applicable codes and industry standards with respect to the Project's mechanical engineering design criteria, construction, and operation are summarized in Appendix 8-5 - Mechanical Engineering Design Criteria. Applicable sections of systems control design criteria summarized in Appendix 8-7 - Control Systems Engineering Design Criteria, also will be considered. The administrative agency for the above codes and standards is the Commission.

### 7.2.4 ELECTRICAL ENGINEERING

The design of structures and facilities will be based on codes, specifications, industry standards and regulations in effect at the time of design. Applicable codes and industry standards with respect to the Project's electrical engineering design criteria, construction and operation are summarized in Appendix 8-6 - Electrical Engineering Design Criteria. Applicable sections of systems control design criteria, summarized in Appendix 8-7 - Control Systems Engineering Design Criteria, also will be considered. The administrative agency for the above codes and standards is the Commission.

## 7.3 PROJECT DESIGN AND OPERATION

### 7.3.1 POWER PLANT RELIABILITY

The following LORS are applicable to the Project in the context of power plant reliability, which is addressed in detail in Section 8.5 - Reliability.

#### 7.3.1.1 Federal Authorities and Administering Agencies

No LORS or codes are applicable.

#### 7.3.1.2 State Authorities and Administering Agencies

No LORS or codes are applicable.

#### 7.3.1.3 Local Authorities and Administering Agencies

No LORS or codes are applicable.

#### 7.3.1.4 Industry Codes and Standards

Currently, there are no industry codes or standards that govern power plant reliability. There are, however, trade organizations and associations that are generally recognized as authorities and leaders in the field of power plant availability and reliability. Definitions used by these organizations have become accepted. The organizations are:

- Electric Power Research Institute  
3412 Hillview Avenue  
Palo Alto, California 94304-1395  
(650) 855-2000

Copies of reports can be obtained from the Research Reports Center.

- North American Electric Reliability Council Research Park  
Princeton Forrestal Village  
116-390 Village Boulevard  
Princeton, New Jersey 08540  
(609) 452-8060

### 7.3.2 PUBLIC HEALTH/WORKER SAFETY

The following LORS are applicable to the Project in the context of public and occupational safety and health protection measures addressed in Sections 6.16 - Public Health, 6.17 - Worker Safety, and 6.18 - Transmissions Systems Safety and Nuisance. Other LORS related to worker and public safety and health are identified in Sections 7.3.3, 7.4.2 and 7.4.15 of this chapter.

### 7.3.2.1 Federal Authorities and Administering Agencies

#### 7.3.2.1.1 Occupational Safety and Health Act of 1970 (OSHA), 29 United States Code (USC) §651 et seq.; 29 Code of Federal Regulations (CFR) §1910 et seq.; §1926 et seq.

The OSHA establishes occupational safety and health standards (§1910) (i.e., permissible exposure limits [PELS] for toxic air contaminants [§1910.100], electrical protective equipment requirements [§1910.269], the requirement that information concerning hazards associated with the use of chemicals is transmitted from employers to employees [§1910.1200]) and safety and health regulations for construction (§1926). Subpart I of §1910 and Subpart E of §1926 address personal protective equipment. 29 CFR §1910.1-1910.15, 29 CFR §1952.170-1952.175 and §25249.8 provide lists of toxic substances that if emitted, may cause adverse health impacts as a result of acute, chronic, or subchronic exposure.

Under the Operational Status Agreement of October 5, 1989, between the Federal (Fed) OSHA and the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal-OSHA), the state resumed full enforcement responsibility for most of the relevant federal standards and regulations (55 Federal Regulation 18610 [July 12, 1990]; 29 CFR §1952.172). Fed-OSHA has retained concurrent enforcement jurisdiction with respect to certain federal standards, including those relating to hazardous materials under 29 CFR §1910.120 (Id.).

#### 7.3.2.1.2 Department of Labor, Safety and Health Regulations for Construction, §333 Contract Work Hours and Safety Standards Act; 40 USC §327 et seq.

The code establishes safety and health regulations for construction. The requirements for this regulation are addressed in CCR Title 8, Chapter 4, Subchapter 4, General Construction Safety Orders. The administering agencies are Fed-OSHA and Cal-OSHA.

#### 7.3.2.1.3 Uniform Fire Code, Article 80

This article of the Uniform Fire Code (UFC) includes provisions for storage and handling of hazardous materials. Considerable overlap exists between this and Chapter 6.95 of the California Health and Safety Code. The UFC, however, contains independent provisions regarding fire protection and neutralization systems for emergency venting (§80.303, D, Compressed Gases).

Other articles of the UFC that may be applicable to the Project include Article 4, Permits, and Article 79, Flammable and Combustible Liquids. The administering agency for the above authority is the Morro Bay Fire Department.<sup>(1)</sup>

#### 7.3.2.1.4 National Fire Protection Association (NFPA)

The NFPA prescribes minimum requirements necessary to establish a reasonable level of fire safety and property protection from hazards created by fire and explosion. Table 7-3 summarizes NFPA standards that are applicable to the Project. Typically, the standards apply to manufacturers of the equipment. The administering agency for the above authority is the Morro Bay Fire Department.<sup>(1)</sup>

#### 7.3.2.1.5 Clean Air Act, 42 USC §7409, 7411, 7412, 7521 et seq.

The United States Environmental Protection Agency (EPA) implements the Federal Clean Air Act (CAA), which requires the promulgation of National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. The NAAQS are designed to protect human health, including that of sensitive individuals, with an adequate margin of safety. Implementation of rules and regulations to control stationary sources was delegated by the CAA to the states. The EPA retained authority to regulate mobile sources and gave California similar authority to regulate mobile sources.

The EPA also regulates the emission of specific toxic air contaminants from stationary sources by developing National Emission Standards for Hazardous Air Pollutants (NESHAPS) and Maximum Achievable Control Technology (MACT) for specific industries. The EPA promulgates New Source Performance Standards (NSPS) that control the emission of both criteria and toxic pollutants for specific types of sources. The administering agency for the above authority is the San Luis Obispo County Air Pollution Control District (APCD).

### 7.3.2.2 State Authorities and Administering Agencies

#### 7.3.2.2.1 CCR Title 8; CCR Title 24

The CCR Title 8 authorities prescribe general occupational safety and health regulations and standards, in addition to construction and industrial safety regulations, standards, and orders

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

addressed in Section 6.17 - Worker Safety. Applicable sections of CCR Title 8, Chapter 4, Subchapter 7 and CCR Title 24 are summarized in Table 7-4. Specifically, CCR Title 8 §1509 (Construction) and §3203 (General Industry) make numerous changes designed to redirect the emphasis of Cal-OSHA toward assuring that employers have effective work site Illness and Injury Prevention Programs (IIPPs), to focus Cal-OSHA discretionary inspections in the highest hazard industries as determined by worker compensation and other occupational injury data, and to limit the number of follow-up inspections that Cal-OSHA must perform. Cal-OSHA is the administering agency for CCR Title 8 and CCR Title 24.

#### 7.3.2.2.2 CCR Title 22 §66264.16, 66270.14

These sections require facility personnel to be trained to perform their duties in a way that ensures the facility's compliance with requirements for management of hazardous waste. Training is required to teach personnel the necessary hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. An Application for a Hazardous Waste Permit is required to include an outline of these introductory and continuing training programs that prepare persons to operate or maintain the facility in a safe manner relative to hazardous waste management. The administering agency for the above authority is the California Department of Health Services.

#### 7.3.2.2.3 California PRC §25523 (a); 20 CCR §1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, Part (i)

This code provides Health Risk Assessment Guidelines to assist in the evaluation of potential health impacts of a proposed project. The Commission requires preparation of a quantitative health risk assessment (see Section 6.16 - Public Health, for this analysis). The administering agency for the above authority is the Commission.

#### 7.3.2.2.4 California Health and Safety Code §25500-25541; 19 CCR §2720-2734

These codes establish inventory, reporting, business and area planning requirements with respect to hazardous and acutely hazardous materials in accordance with the Federal Emergency Planning and Community Right-to-Know Act of 1986. Generally, they require any business that handles a hazardous material or mixture, in amounts greater than specified thresholds, to establish and implement a business plan for emergency responses to a release or threatened release of the

hazardous material or mixture. Administering agencies for the above authority are the Office of Emergency Services (OES) and Morro Bay Fire Department.

#### 7.3.2.2.5 California Health and Safety Code §39606

This section requires the California Air Resources Board (CARB) to establish California's ambient air quality standards to reflect the California-specific conditions that influence its air quality. Such standards have been established by the CARB for ozone, carbon monoxide, sulfur dioxide, PM10, lead, hydrogen sulfide, vinyl chloride and nitrogen dioxide. The same biological mechanisms underlie some of the health effects of most of these criteria pollutants as well as the noncriteria pollutants. The administering agency for the above authority is the APCD.

#### 7.3.2.2.6 California Health and Safety Code §41700

This section states that "No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause or have a natural tendency to cause injury or damage business or property. The administering agency for the above authority is the APCD.

#### 7.3.2.2.7 California Health and Safety Code §§39650 et seq.

This section requires facilities, which emit large quantities of criteria pollutants and any amount of noncriteria pollutants to provide the local air district an inventory of toxic emissions. Such facilities may also be required to prepare a quantitative health risk assessment to address the potential health risks involved. The administering agency for the above authority is the APCD.

#### 7.3.2.2.8 California Clean Air Act (CCAA), California Health and Safety Code §39650 et seq.

This code mandates the California Air Resources Board (CARB) to establish safe exposure limits for toxic air pollutants and identify pertinent best available control technologies for criteria pollutants. It requires that the new source review rule for each APCD include regulations that require new or modified procedures for controlling the emission of criteria and toxic air contaminants, plus California-developed ambient air quality standards more stringent than NAAQS, to protect public health, including that of sensitive individuals, with an adequate margin of safety.



The CARB has developed cancer potency estimates for several carcinogenic pollutants to use in assessing the carcinogenic risk associated with exposure to these pollutants. Reference exposure levels for specific toxic air contaminants that cause chronic and acute health effects have been developed by CARB to allow the assessment of these health risks. CARB developed an analytical protocol to quantitatively estimate maximum potential risks from carcinogenic and noncarcinogenic chronic and acute health effects. Administering agencies for the above authority are CARB and the APCD.

### 7.3.2.3 Local Authorities and Administering Agencies

#### 7.3.2.3.1 CCAA

The CCAA created local air districts to implement requirements of the federal CAA through promulgation and enforcement of rules and regulations. These rules and regulations define stationary sources of air emissions that must have permits for construction and operation, pollution control devices, emission limits, monitoring, record keeping and reporting.

The air districts also require public health risk assessments for projects that are subject to new source review, and determine the thresholds of significance for health risks. The APCD is the administering agency for the above authority.

#### 7.3.2.3.2 City of Morro Bay Buildings and Construction Ordinance, Chapter 14.60 Uniform Fire Code

This Chapter describes requirements for fire safety and prevention including fire lanes, sprinklers, roof materials and exits. The administering agency for the above authority is the Morro Bay Fire Department.

#### 7.3.2.3.3 City of Morro Bay Zoning Ordinance, Chapter 17.52, Performance Standards Section 17.52.010, Fire and Explosion Standards

Requires activities that involve storage of flammable and explosive materials to be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment as approved by the Morro Bay Fire Department. The administering agency for the above authority is the Morro Bay Fire Department.<sup>(1)</sup>

#### 7.3.2.3.4 City of Morro Bay Health and Safety Ordinance 8.14.020 and 8.14.030.

This ordinance regulates public nuisances including anything injurious to health or indecent or offensive to the senses, interferes with the comfortable enjoyment of life or property, or obstructs free passage to public areas. The administering agency for the above authority is the City of Morro Bay.<sup>(1)</sup>

#### 7.3.2.4 Industry Codes and Standards

Several industry codes and trade association standards exist that may be applicable to the Project to assure worker safety and health. Table 7-5 provides a listing of applicable industry codes and standards. Typically, the codes and standards are requirements for equipment manufacturers.

### 7.3.3 TRANSMISSION SYSTEMS SAFETY AND NUISANCE

The Project will transmit power through existing transmission lines. As a result, federal, state and local LORS that address aviation safety, fire hazards and construction of new transmission lines are not applicable to the Project. The LORS that are or may be applicable to the Project are provided in the following sections.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

### 7.3.3.1 Federal Authorities and Administering Agencies

#### 7.3.3.1.1 Federal Communications Commission Regulations, 47 CFR §15.25, Operating Requirements, Incidental Radiation

These regulations prohibit operation of devices that produce force fields that interfere with radio communications. Such interference is due to radio noise produced by the action of the electric fields on the surface of the energized conductor. The administering agency for the above authority is the Federal Aviation Administration (FAA).

#### 7.3.3.1.2 Federal Aviation Administration Regulations 14 CFR Part 77; FAA AC No. 70/460-1G

This circular describes the FAA standards for marking and lighting objects that may pose a navigational hazard. The administering agency for the above authority is the FAA.

### 7.3.3.2 State Authorities and Administering Agencies

#### 7.3.3.2.1 California Public Utilities Commission (CPUC) General Order 52, Construction and Operation of Power and Communication Lines

This order contains provisions for the operation of power lines and measures to prevent or mitigate inductive interference. The existing lines at MBPP are operated by Pacific Gas and Electric Company (PG&E) in accordance with these provisions. The administering agency for the above authority is the CPUC.

#### 7.3.3.2.2 High Voltage Electric Safety Orders, Title 3, CCR §2700 et seq.

These orders establish essential requirements and minimum standards for safely operating and maintaining electrical installations and equipment. The administering agency for the above authority is the CPUC.

#### 7.3.3.2.3 Fire Prevention Standards for Electrical Utilities 14 CCR §1250

This section specifies utility-related measures for fire prevention. The administering agency for the above authority is the CPUC.

#### 7.3.3.2.4 Radio Interference and Television Interference (RI-TVI) Criteria

These criteria are mitigation requirements for RI-TVI, developed and adopted by the Commission in past siting cases (Kern River Cogeneration Project 82-AFC-2, Final Decision, Compliance Plan 13-7). The administering agency for the above authority is the Commission.

#### 7.3.3.3 Local Authorities and Administering Agencies

No LORS or codes are applicable.

#### 7.3.3.4 Industry Codes and Standards

##### 7.3.3.4.1 Bonneville Power Administration (BPA) Corona and Field Effects Program, Version 3

This computer modeling program is in standard use by BPA and other power agencies to determine potential electric and magnetic fields and corona effects from transmission line configurations.

##### 7.3.3.4.2 California Independent System Operator (Cal-ISO)

The MBPP generating facility is connected to PG&E transmission facilities (i.e., switchyard and power lines). An Interconnection Study is required to assess the transmission capacity availability for the Project (provided in Appendix 6.18-1 of this AFC). The Cal-ISO is the primary review authority of this study.

##### 7.3.3.4.3 National Electrical Safety Code Part 2: Safety Rules for Overhead Lines

Provisions in this part of the code specify the national safe operating clearances applicable in areas where the line might be accessible to the public. Such requirements are intended to minimize the potential for direct or indirect contact with the energized line.

## **7.4 ENVIRONMENTAL INFORMATION**

### **7.4.1 INTRODUCTION**

This section provides an overview of LORS applicable to the Project according to the environmental resources specifically addressed in Chapter 6.0 - Environmental Information of this AFC. The LORS are presented in the same order as the resource discussions. The information is summarized in Table 7-1.

## 7.4.2 AIR QUALITY

The following LORS related to air quality issues are or may be applicable to the Project.

### 7.4.2.1 Federal Authorities and Administering Agencies

#### 7.4.2.1.1 CAA, as amended, 1990

##### New Source Performance Standards: CAA §111 42 USC §7411; 40 CFR Part 60, Subpart GG

This regulation establishes standards of performance to limit the emission of criteria pollutants (air pollutants for which EPA has established NAAQS) from new or modified facilities in specific source categories. The applicability of these regulations depends on the equipment size; process rate; and/or the data construction, modification, or reconstruction of the affected facility. The Standards of Performance for Stationary Gas Turbines, which limit nitrous oxide (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) emissions from the subject equipment, are applicable to the Project. The administering agency for the above authority is the APCD, with EPA, Region IX oversight.

##### National Emissions Standards for Hazardous Air Pollutants: CAA §112; 42 USC §7412; 40 CFR Part 63

Establishes national emissions standards limiting emissions of hazardous air pollutants. Requires use of maximum achievable control technology (MACT) for major sources of hazardous pollutants. The standards are implemented at the local level with federal oversight. Standards promulgated under CAA §112 are not applicable to the Project because no specific standards have been established and the facility is not a major source of hazardous pollutants.

##### Prevention of Significant Deterioration: CAA §160-169A; 42 USC §7470-7491; 40 CFR Parts 51 and 52

This regulation requires preconstruction review and permitting of new or modified major stationary sources of air pollution to prevent significant deterioration of ambient air quality. Prevention of Significant Deterioration (PSD) applies to pollutants for which ambient concentrations do not exceed the corresponding NAAQS (i.e., attainment pollutants). The PSD program allows new sources of air pollution to be constructed, or existing sources to be modified, while preserving the existing ambient air quality levels, protection public health and welfare, and protecting Class I areas (e.g., national parks and wilderness areas). The administering agency for the above authority is EPA Region IX.

New Source Review: CAA §171-193; 42 USC §7501 et seq.; 40 CFR Parts 51 and 52

This program requires preconstruction review and permitting of new or modified major stationary sources of air pollution to allow industrial growth without interfering with the attainment and maintenance of ambient quality standards. The administering agency for the above authority is the APCD, with EPA Region IX oversight.

Acid Rain Program: CAA §401; 42 USC §7651 et seq.; 40 CFR Part 72

These standards requires the reduction of emissions of acidic compounds and their precursors. The principal source of these compounds is the combustion of fossil fuels. Therefore, Title IV established national standards to limit NO<sub>x</sub> and SO<sub>2</sub> emissions from electrical power generating facilities. The administering agency for the above authority is the APCD, with EPA Region IX oversight.

Operating Permits Program: CAA §501 (Title V); 42 USC §7661; 40 CFR Part 70

This program requires the issuance of operating permits that identify all applicable federal performance, operating, monitoring, recordkeeping and reporting requirements. Title V applies to major facilities, Phase II acid rain facilities, subject solid waste incinerator facilities, and any facility listed by EPA as requiring a Title V permit. The administering agency for the above authority is the APCD, with EPA Region IX oversight.

7.4.2.2 State Authorities and Administering Agencies

In 1968, CARB was created by the Mulford-Carrell Air Resources Act, through the merger of two other state agencies. The CARB's primary responsibilities are to develop, adopt, implement and enforce the state's motor vehicle pollution control program; to administer and coordinate the state's air pollution research program; to adopt and update, as necessary, the state's ambient air quality standards; to review the operations of the local APCDs; and to review and coordinate preparation of the State Implementation Plan (SIP) for achievement of federal ambient air quality standards.

7.4.2.2.1 SIP: Health & Safety Code §39500 et seq.

This plan is required by the CAA to demonstrate the means by which all areas of the state will attain and maintain NAAQS within federally-mandated deadlines. The CARB reviews and coordinates preparation of the SIP. Local districts must adopt new rules (and/or revise existing rules) and

demonstrate that resulting emission reductions, in conjunction with reductions in mobile source emissions, will result in attainment of NAAQS. The administering agency for the above authority is the APCD, with CARB and EPA Region IX oversight.

#### 7.4.2.2.2 CCAA: Health & Safety Code §40910-40930

Established in 1989, the CCAA requires local districts to attain and maintain both NAAQS and California ambient air quality standards (CAAQS) at the "earliest practicable date." Local districts must prepare air quality plans demonstrating the means by which the ambient air quality standards will be attained and maintained. The administering agency for the above authority is the APCD, with CARB oversight.

#### 7.4.2.2.3 Toxic Air Contaminant Program: Health & Safety Code §39650-39675

Created a process for the identification of toxic air contaminants and the control of their emissions. The Legislature, in 1993, identified 189 federal hazardous air pollutants as toxic air contaminants. ARB reviews the emission sources of an identified toxic air contaminant and, if necessary, adopts air toxics control measures to reduce the emissions. There have been no measures adopted via the Toxic Air Contaminant Program that are applicable to the Project.

#### 7.4.2.2.4 Health and Safety Code §41700

This section states that "No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause or have a natural tendency to cause injury or damage business or property. The administering agency for the above authority is the APCD.

#### 7.4.2.2.5 Air Toxic "Hot Spots": Health & Safety Code §44300-44384; 17 CCR §93300-93347

Established in 1987, the Air Toxics "Hot Spots" Information and Assessment Act supplements the toxic air contaminant program by requiring development of a statewide inventory of air toxics emissions from stationary sources. The program requires affected facilities to prepare: (1) an emissions inventory plan that identifies relevant air toxics and sources of air toxics emissions; (2) an emissions inventory report quantifying air toxics emissions; and (3) a health risk assessment, if necessary, to characterize health risks to the exposed public Facilities whose air toxics emissions are

deemed to pose a significant health risk must issue notices to the exposed population. In 1992, the Legislature amended the program to further require facilities with air toxics emissions deemed to pose a significant health risk to implement risk management plans to reduce the associated health risks. The administering agency for the above authority is the APCD, with CARB oversight.

7.4.2.2.6 Commission and CARB Memorandum of Understanding: PRC §25523(a); 20 CFR §1752, 1752.5, 2300 - 2309, and Div. 2, Chap. 5, Art. 1, Appendix B, Part (k)

This memorandum of understanding establishes requirements in the Commission's decisionmaking process on an AFC that assures that protection of environmental quality. The administering agency for the above authority is the Commission.

7.4.2.3 Local Authorities and Administering Agencies

When the California air pollution statutes were reorganized in the mid-1960s, local districts were required to be established in each county. There are three different types of districts: county (including the APCD), regional and unified. Local districts have principal responsibility for developing plans for meeting NAAQS and CAAQS; for developing control measures for nonvehicular sources of air pollution necessary to achieve and maintain both state and federal air quality standards; for implementing permit programs established for the construction, modification, and operation of sources of air pollution; for enforcing air pollution statutes and regulations governing nonvehicular sources; and for developing employer-based trip reduction programs.

7.4.2.3.1 APCD Air Quality Plan, Health & Safety Code §40914

This plan defines the proposed strategies, including stationary source control measures and new source review rules, whose implementation will attain and maintain CAAQS. The administering agency for the above authority is the APCD, with CARB oversight.

7.4.2.3.2 APCD Rules and Regulations, Health & Safety Code §4000 et seq., Health & Safety Code §40200 et seq.

These rules and regulations establish procedures and standards for issuing permits and establish standards and limitations on a source-specific basis. The administering agency for the above authority is the APCD, with EPA Region IX and CARB oversight.



#### Rule 201, Authority to Construct (ATC)

This rule specifies that any facility installing nonexempt equipment that causes or controls the emission of air pollutants must first obtain an ATC from the APCD.

#### Rule 204, Review of New or Modified Sources

This rule implements the federal New Source Review program, plus the CAA new source review requirements. The rule includes best available control technology, emission offsets and air quality impact analysis. The administering agency for the above authority is the APCD, with CARB oversight.

#### Rule 216, Federal Operating Permits

This rule requires major facilities and Phase II acid rain facilities undergoing modifications to obtain an operating permit containing the federally enforceable requirements mandated by Title V of the 1990 CAA Amendments. A permit application must be submitted to the APCD within 12 months after operation of the modified facility commences. The application must present a process description, stationary sources at the facility, applicable regulations, estimated emissions, associated operating conditions, alternative operating scenarios, a facility compliance plan and a compliance certification. The administering agency for the above authority is the APCD, with EPA Region IX oversight.

#### Rule 217, Acid Deposition Control

This rule requires a subject facility to comply with maximum operating emissions levels for SO<sub>2</sub>, NO<sub>x</sub>, and to monitor SO<sub>2</sub>, NO<sub>x</sub> and carbon dioxide (CO<sub>2</sub>) emissions, and exhaust gas flow rates. A Phase II acid rain facility, such as MBPP, must also obtain an acid rain permit as mandated by Title IV of the 1990 CAA Amendments. A permit application must be submitted at least 24 months before operation of the new units. The application must describe all relevant Phase II sources at the facility, a compliance plan for each unit, applicable standards and estimated commencement date of operations. The administering agency for the above authority is the APCD.

#### Rule 219, Toxics New Source Review

Provides a mechanism for evaluating potential impacts of air emissions of toxic substances from new, modified and relocated sources in the APCD. The rule requires a demonstration that the source will not adversely impact the health and welfare of the public. The administering agency for the above authority is the APCD.

### Rule 223, California Energy Commission Review

Establishes a procedure for coordinating APCD review of power plant projects with the Commission AFC process. Under the rule, the APCD reviews the AFC and issues a Determination of Compliance for a proposed project, which is equivalent to an Authority to Construct. A permit to operate is issued by the APCD following the Commission's certification of the Project.

### Rule 601, New Source Performance Standards

This rule requires compliance with federal standards of performance for stationary gas turbines. Subpart GG (Standards of Performance for Stationary Gas Turbines) applies to gas turbines with heat input at peak load equal to or greater than 10.7 gigajoules per hour (Gj/hr) (10.15 million British thermal units per hour [MMBtu/hr]) at the higher heating value. The NSPS NO<sub>x</sub> emission limit also is defined in this rule. The administering agency for the above authority is the APCD, with CARB oversight.

### Prohibitory Rules

The following general prohibitory rules of the APCD are applicable to the MBPP Project:

- **Rule 401 - Visible Emissions:** Prohibits visible emissions as dark or darker than Ringelmann No. 2 for periods greater than 3 minutes in any hour.
- **Rule 402 - Nuisance:** Prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public, or that damage business or property.
- **Rule 403 - Particulate Matter Emission Standards(PM):** Prohibits PM emissions in excess of 10 pounds per hour (lbs/hr) or 0.3 grains per dry standard cubic foot (gr/dscf).
- **Rule 404 - Sulfur Compounds Emission Standards, Limitations and Prohibitions:** Prohibits sulfur compound emissions, calculated as SO<sub>2</sub>, in excess of 200 lbs/hr or 0.2 percent (2,000 parts per million [ppm]) from any source. The rule also prohibits the burning of any gaseous fuel containing sulfur compounds, calculated as hydrogen sulfide, in excess of 0.5 gr/dscf or fuel.
- **Rule 405 - Nitrogen Oxides Emissions Standards, Limitations and Prohibitions:** Prohibits emissions of NO<sub>x</sub> (calculated as NO<sub>2</sub>) in excess of 140 lbs/hr.
- **Rule 406 - Carbon Monoxide Emission Standards and Limitations:** Prohibits CO emissions in excess of 2,000 ppm from any source.
- **Rule 429 - Oxides of Nitrogen and Carbon Monoxide Emissions from Electric Power Generation Boilers:** Limits NO<sub>x</sub> and CO emissions from and phases out fuel oil use in electric power generation boilers.

The administering agency for the above authorities is the APCD with CARB oversight.

7.4.2.3.3 City of Morro Bay Coastal Land Use Plan, Chapter VII, Energy/Industrial Development, Policy 5.22

Requires compliance with federal and state pollution control and emission requirements. The administering agency for the above authority is the APCD.

7.4.2.3.4 City of Morro Bay Zoning Ordinance, Chapter 17.52, Performance Standards

Section 17.52.070 Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution

For all uses other than agriculture, prohibits emissions that exceed allowable standards of the APCD.

Also prohibits emissions that would annoy or endanger persons or property. This section also provides opacity requirements. The administering agency for the above authority is the APCD.

7.4.2.3.5 City of Morro Bay General Plan, Part II Land Use, Open Space and Conservation Element

Program LU-40.17; Local Coastal Plan 127

The city of Morro Bay requires operation and potential expansion of the power plant to conform to federal and state pollution control requirements and emission levels. The administering agency for the above authority is the APCD.

7.4.2.4 Industry Codes and Standards

No LORS or codes are applicable.

7.4.3 GEOLOGICAL HAZARDS AND RESOURCES

The LORS pertaining to geological hazards and resources are discussed under 7.2.1, Engineering Geology. These include applicable building codes to address power plant foundation and seismic structural design. The Project will comply with applicable LORS during construction and operation.

#### 7.4.4 AGRICULTURE AND SOILS

The following LORS are applicable to protection of soils and surface water quality from potential Project-induced erosion.

##### 7.4.4.1 Federal Authorities and Administering Agencies

###### 7.4.4.1.1 Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including 1987 amendments)

These acts establish requirements for any facility or activity that discharges or will discharge wastes (including sediment due to accelerated erosion) that may interfere with beneficial uses of receiving waters. The administering agency for the above authority is the Regional Water Quality Control, Central Coast Region (RWQCB), under the direction of the State Water Resources Control Board (SWRCB).

###### 7.4.4.1.2 U.S. Department of Agriculture, Soil Conservation Service, National Engineering Handbook (1983) §2 and 3

The U.S. Department of Agriculture prescribes standards of technical excellence for the Soil Conservation Service, now called the Natural Resources Conservation Service (NRCS), for the planning, design and construction of soil conservation practices. The administering agency for the above authority is the NRCS.

##### 7.4.4.2 State Authorities and Administering Agencies

###### 7.4.4.2.1 California PRC §25523(a); CCR §1752, 1752.5, 2300-2309 and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i)

These sections provide for protection of environmental quality. With respect to the Project, they require submission of information to the Commission concerning potential environmental impacts; the Commission's decision on the AFC must include consideration of environmental protection. The administering agency is the Commission.

###### 7.4.4.2.2 California Environmental Quality Act (CEQA), California PRC §21000 et seq., Guidelines for Implementation of the California Environmental Quality Act of 1970, 14 CCR §15000-15387, Appendix G

The CEQA Environmental Checklist Form (Appendix G) contains criteria to aid in assessing the significance of impacts to agriculture and soils in Section II, Agriculture Resources, and Section VI,

Geology and Soils. Under CCR Title 20, the Commission is the administering agency for the Warren-Alquist Act, PRC §25000 et seq., a CEQA-equivalent process for power plants with a generating capacity of 50 megawatts (MW) or more.

#### 7.4.4.2.3 California Porter-Cologne Water Quality Control Act of 1972; California Water Code, §13260-13269; 23 CCR Chapter 9

The Porter-Cologne Water Quality Act requires protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge into surface waters of waste earthen material resulting from land disturbance may require the filing of a report of waste discharge (Water Code §13260[a]), and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of waters of the state. Concerning potential surface water pollution from Project area run-off, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- SWRCB, 1996. Erosion and Sediment Control Field Manual.
- EPA, 1973. Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity. Presents information on controlling sediment, stormwater and pollutants from construction activities.
- California Department of Resources Conservation, 1978. Erosion and Sediment Control Handbook. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site in determining the need for an erosion control plan and preparing an erosion control plan.

The administering agencies for the above authority are the Commission, the Central Coast RWQCB and the SWRCB.

#### 7.4.4.3 Local Authorities and Administering Agencies

##### 7.4.4.3.1 City of Morro Bay Zoning Ordinance 17.48.300

Requires estimates of volume of run-off, type and location of drainage into streams or environmentally sensitive habitat. The oversight agency for these requirements is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.4.4 Industry Codes and Standards

No LORS or codes are applicable.

#### 7.4.5 WATER RESOURCES

The following LORS are applicable or potentially applicable to the Project in the context of water resources.

##### 7.4.5.1 Federal Authorities and Administering Agencies

###### 7.4.5.1.1 Clean Water Act of 1977 (including 1987 amendments)

###### Section 402; 33 USC §1342; 40 CFR Parts 122-136

The Clean Water Act requires a National Pollutant Discharge Elimination System (NPDES) permit for any discharge of pollutants from a point source to waters of the United States. This law and its regulations apply to storm water and other discharges into waters of the United States. The Clean Water Act requires a general construction activities permit for discharge of storm water from construction sites that disturb 5 acres or more. This federal permit requirement is administered by the Central Coast RWQCB, with oversight provided by the SWRCB and the EPA.

Project construction activities will be performed in accordance with a Storm Water Pollution Prevention Plan (SWPPP) and associated monitoring pursuant to the NPDES General Permit for Storm Water Discharges Associated with Construction Activity. The SWPPP will include control measures that include best management practices to reduce erosion and sedimentation, as well as other pollutants associated with vehicle maintenance, material storage and handling, and other activities occurring at the Project site. Administering agency for the above authority is the Central Coast RWQCB, with oversight provided by EPA Region IX.

###### Section 311; 33 USC §1321; 40 CFR Parts 110, 112, 116, 117

These sections of the Clean Water Act include provisions for spills into navigable waters of the United States. In that capacity there are requirements for a Spill Prevention Control and Countermeasures Plan (SPCC Plan). An SPCC Plan is currently in place at MBPP. This plan will be updated every 3 years to reflect changes in the storage capacity of MBPP. The administering agency for the above authority is the Central Coast RWQCB, with oversight provided by EPA Region IX.

Section 316(a); 33 USC §1326; 40 CFR part 401

The Clean Water Act includes in its NPDES authority the regulation of thermal discharges into receiving bodies. This section of the Clean Water Act requires point source discharges with effluent limitations for the control of the thermal component to be stringent enough to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife that rely on the water where the discharge is made. Also, the location, design, construction and capacity of cooling water intake structures are required to reflect the best technology available for minimizing adverse environmental impact. The administering agency for the above authority is the Central Coast RWQCB with oversight provided by EPA Region IX.

Section 316(b); 33 USC §1326(b); 40 CFR part 401

Requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing environmental impact. This means the effluent limitations and control technology standards of performance with regard to these structures will be among the most stringent imposed by the CWA. The administering agency for the above authority is the Central Coast RWQCB with oversight provided by EPA Region IX.

Section 320; 33 USC § 1330; 40 CFR part 35 - National Estuary Program

Establishes the National Estuary Program (NEP) under which the Governor may nominate an estuary lying within the State as an estuary of national significance and request a Comprehensive Conservation and Management Plan (CCMP) for the estuary from the EPA. Morro Bay has been accepted into the NEP and has in place a Draft CCMP which calls for Federal, State, local, and private collaboration in addressing the environmental problems facing the Morro Bay estuary. Final approval of the CCMP is expected in October 2000. The Morro Bay CCMP concerns itself primarily with sedimentation, bacteria, heavy metals and toxics, and nutrients in the Bay as well as freshwater flow and habitat connected to the estuary. The MBPP will not have any environmental impacts addressed by the NEP and the CCMP established pursuant to it. This program is administered cooperatively by the California EPA, the Morro Bay Management Plan Task Force, and the Central Coast RWQCB.

7.4.5.1.2 Rivers and Harbors Act, Section 9, 33 USC §401

This section provides that no bridge, causeway, dam or dike may be built over any port or navigable water unless the plans are submitted to and approved by the Coast Guard under Department of Transportation Act of 1966 (RGL 82-15, Bridges and Causeways) before construction is commenced. Modifications to the project must comply with these conditions. The administering agency for the above authority is the United States Coast Guard.

#### 7.4.5.1.3 National Flood Insurance, 42 USC § 4101 et seq.; 44 CFR Part 70

These sections of the National Flood Insurance statute provide for mapping areas subject to flooding and revisions to those maps. The mapping corresponds to insurance requirements for building within a flood plain. These sections contain the requirements and procedures for modification of these flood maps. The administering agency for the above authority is the Federal Emergency Management Agency (FEMA).

#### 7.4.5.1.4 Executive Order No. 11988

Each Federal Agency has the responsibility to evaluate the potential effects of any action it may take on a floodplain.

#### 7.4.5.2 State Authorities and Administering Agencies

##### 7.4.5.2.1 California Porter-Cologne Water Quality Control Act 1972; California Water Code §13000-14957; 23 CCR

The Porter-Cologne Water Quality Control Act authorizes the state to develop and implement a statewide program for controlling the quality of waters of the state. It establishes the SWRCB and the RWQCB as the principal state agencies with primary responsibility for the coordination and control of water quality. Discharges of waste must comply with the ground water protection and monitoring requirements of the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 USC Sec. 6901 et seq.), and any federal acts that amend or supplement RCRA, together with any more stringent requirements necessary to implement this revision or Article 9.5 (commencing with §25208) of Chapter 6.5 of Division 20 of the Health and Safety Code (see Section 7.5.4.2). The Project will comply with the regulations set forth in this act. The administering agency for the above authority is the Central Coast RWQCB.

##### 7.4.5.2.2 California Water Code §13269; 23 CCR Chapter 9

The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the Project. With respect to potential water pollution from construction activities, the waste



discharge requirements may incorporate requirements based on the Clean Water Act §402(p) and implementing regulations at 40 CFR Parts 122 seq., as administered by the Central Coast RWQCB. The administering agency for the above authority is the Central Coast RWQCB.

#### 7.4.5.2.3 California Constitution, Article 10 §2

This article prohibits the waste or unreasonable use of water and regulates the method of use and method of diversion of water. The Project will comply with this Article. The administering agency for the above authority is the SWRCB.

#### 7.4.5.2.4 State Water Resources Control Board Resolutions

These resolutions are administered by the Central Coast RWQCB.

##### SWRCB Resolution 75-58

Gives priority to the use of ocean waters for power plant cooling purposes.

##### SWRCB Resolution 74-43

Contains a number of prohibitions against waste discharges including chemical, biological and petroleum related waste.

The administering agency for the above authority is the Central Coast RWQCB.

#### 7.4.5.2.5 Water Quality Control Plan for Control of Temperature in Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan), Appendix A-3

This plan sets specific water quality objectives related to temperatures allowed for receiving waters, to assure protection of beneficial uses. The plan was established in conjunction with 40 CFR 316(a) for thermal discharges. It is administered by the Central Coast RWQCB.

#### 7.4.5.2.6 California Ocean Plan, California Water Code §13170.2

This provision requires the State Water Resources Control Board to formulate and adopt a water quality control plan for the ocean waters of California. In formulating the plan, the SWRCB is to evaluate the effect of municipal and industrial waste discharges on the ocean marine environment.

#### 7.4.5.2.7 Morro Bay Management Plan, PRC §28000 et seq.

Establishes Morro Bay as a State Estuary and was the precursor to its acceptance into the National Estuary Program (NEP) under which the Governor may nominate an estuary lying within the State as an estuary of national significance and request a Comprehensive Conservation and Management Plan (CCMP) for the estuary from the EPA. Morro Bay has in place a Draft CCMP which calls for Federal, State, local, and private collaboration in addressing the environmental problems facing the Morro Bay estuary. Final approval of the CCMP is expected in October 2000. The Morro Bay CCMP concerns itself primarily with sedimentation, bacteria, heavy metals and toxics, and nutrients in the Bay as well as freshwater flow and habitat connected to the estuary. The MBPP will not have any environmental impacts addressed by the NEP and the CCMP established pursuant to it. This program is administered cooperatively by the California EPA, the Morro Bay Management Plan Task Force, and the Central Coast RWQCB.

#### 7.4.5.2.8 California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (I)

These code sections provide for the inclusion of requirements in the Commission's decision on an AFC to assure protection of environmental quality and require submission of information to the Commission concerning proposed water resources and water quality protection. The administering agency for the above authority is the Commission.

#### Section 25523(b)

The commission is to ensure that a project located in a coastal zone complies with the requirements of the California Coastal Act and report recommendations prepared pursuant to that Act submitted by the California Coastal Commission as an advisory Agency. The administering agency is the Commission.

#### 7.4.5.3 Local Authorities and Administering Agencies

##### 7.4.5.3.1 City of Morro Bay; Municipal Code Chapter 14.17 – Flood Damage Prevention Ordinance

Under delegation from FEMA, the City of Morro Bay may perform the first level analysis and provide approval for revision to the City flood maps and a recommendation to FEMA to revise the FEMA maps. The City also specifies building requirements and analysis for building in the flood zone. The

City permit required for building in the flood zone is subsumed by the Commission's Certification under PRC § 25500. The administering agency is the City of Morro Bay Public Services Department.<sup>(1)</sup>

#### 7.4.5.3.2 Morro Bay Zoning Ordinance; Policy 17.48.300

This policy sets information requirements for run-off into environmentally sensitive habitat areas, such as impacts analysis and measures to reduce impacts. Projects may be approved only if designed to minimize impacts and are consistent with the protection policies. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

#### 7.4.5.4 Industry Codes and Standards

No LORS or codes are applicable.

### 7.4.6 BIOLOGICAL RESOURCES

The following LORS are applicable or potentially applicable to the Project in the context of biological resources.

#### 7.4.6.1 Federal Authorities and Administrating Agencies

##### 7.4.6.1.1 Endangered Species Act of 1973; 16 USC §1531 et seq.; 50 CFR Parts 17 and 222

The Endangered Species Act includes provisions for the protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats. The administering agency for the above authority for terrestrial and avian species is the United States Fish and Wildlife Service (USFWS).

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.6.1.2 Migratory Bird Treaty Act; 16 USC §703-711; 50 CFR Subchapter B

The Migratory Bird Treaty Act includes provisions for protection of migratory birds, including basic prohibitions against any taking not authorized by federal regulation. The administering agency for the above authority is the USFWS.

#### 7.4.6.1.3 Marine Mammals Protection Act 16 USC 1361 et seq.; 50 CFR part 216

This act places a moratorium on the "taking" or importation of any marine mammal or any marine mammal derivative products during which time there are no permits issued for such taking or importing. While the Act is geared towards preventing such takings by fishing or other vessels under U.S. jurisdiction, the language of the taking prohibitions may be broadly construed to prohibit a taking by any person or "port, harbor, or other place" under U.S. jurisdiction. The regulations specify that it is illegal for any person to "take any marine mammal *in waters or on lands under the jurisdiction of the United States.*" The range of marine mammals covered is wide and includes members of certain orders morphologically adapted to the marine environment, but it excludes walrus, seals and sea lions. The administering agency for the above authority is the U.S. Fish and Wildlife Service.

#### 7.4.6.1.4 Fish and Wildlife Conservation Act 16 U.S.C. 2901 et seq. ;50 CFR part 83

This act calls on the States to develop "conservation plans" for both game and non-game fish and wildlife. States are given economic incentives, in the form of cost reimbursements, to take comprehensive actions to conserve all species of fish and wildlife species in the State including those not covered in the ESA or the MMPA. By its own force, the Act may not have an effect on private local action, but such action could be affected by State laws and programs implemented pursuant to the Act. The administering agency for the above authority is the U.S. fish and Wildlife Service.

#### 7.4.6.1.5 Rivers and Harbors Act §9; 33 USC §401 et seq.

This Rivers and Harbors Act protects waters of the United States. This section provides that no bridge, causeway, dam or dike may be built over any port or navigable water subject to influence of the tide unless the plans are submitted to and approved before construction is commenced. The administering agency for the above authority is the United States Coast Guard (RGL 82-15, Bridges and Causeways).

#### 7.4.6.2 State Authorities and Administering Agencies

##### 7.4.6.2.1 California Endangered Species Act of 1984; California Fish and Game Code §2050-2098

The California Endangered Species Act includes provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. It includes a consultation requirement "to ensure that any action authorized by a state lead agency is not likely to jeopardize the continued existence of any endangered or threatened species ... or result in the destruction or adverse modification of habitat essential to the continued existence of the species" (§2090). Plants of California declared to be endangered, threatened, or rare are listed at 14 CCR §670.2. Animals of California declared to be endangered or threatened are listed at 14 CCR §670.5. The administering agency for the above authority is the California Department of Fish and Game (CDFG).

##### 7.4.6.2.2 Native Plant Protection Act of 1977; CDFG Code §1900 et seq.

The Native Plant Protection Act lists state-designated rare and endangered plants and provides specific protection measures for identified populations. The administering agency for the above authority is CDFG.

#### Section 1930-1933

These sections provide for the Significant Natural Areas program and database. Establishes the "Significant Natural Areas Program" under which the Department of Fish and Game is to gather Statewide natural resources data and store and manage it in the "California Natural Diversity Database." Through use of this database, the Department, in consultation with various stakeholders is to identify areas deemed to be "most significant."

##### 7.4.6.2.3 California Wildlife Protection Act - Cal. Fish & Game Code §§ 2780 et seq.

Appropriates State funds to various agencies and public interest groups to be used for the acquisition of wildlife habitat areas. If the entity receiving the funds is so authorized, this acquisition may be accomplished by eminent domain.

##### 7.4.6.2.4 Additional Provisions CDFG Code

The administering agency for the CDFG Code is CDFG.

### Section 3503

"It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto."

### Section 3511

"Fully protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research and may authorize the live capture and relocation of such species pursuant to a permit for the protection of livestock. Legally imported fully protected birds or parts thereof may be possessed under a permit issued by the department...."

### Section 3515

Makes it unlawful to take or possess any migratory non-game bird as designated in the Migratory Bird Treaty Act except as provided for under Federal rules and regulations.

### Sections 4700 and 5515

These sections prohibit the taking of mammals and fish, respectively, listed as fully protected in California.

### Section 5050

"Fully protected reptiles and amphibians or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected reptile or amphibian and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected reptiles or amphibians or parts thereof may be possessed under a permit issued by the department...."

#### 7.4.6.2.5 CEQA, PRC §21000 et seq.

CEQA provides for protection of the environment with the state of California. For the Project, the administering agency for the above authority is the Commission.

7.4.6.2.6 California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article I, Appendix B, Part (i)

These code and regulation sections require the Commission to assure protection of environmental quality. In the context of biological resources, a proposed project is generally considered to have a significant effect on the environment if it will substantially affect a rare or endangered species (20 CCR §15380). The administering agency for the above authority is the Commission, with comment provided by CDFG.

7.4.6.2.7 California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (l)

These code sections provide for the inclusion of requirements in the Commission's decision on an AFC to assure protection of environmental quality and require submission of information to the Commission concerning proposed water resources and water quality protection. The administering agency for the above authority is the Commission.

Section 25523(b)

The commission is to ensure that a project located in a coastal zone complies with the requirements of the California Coastal Act and report recommendations prepared pursuant to that Act submitted by the California Coastal Commission as an advisory Agency. The administering agency is the Commission.

7.4.6.2.8 California Pesticide Regulations, 3 CCR, Division 6

Use of pesticides (rodenticide and herbicide) will be minimized. Typically, contractor services will be retained for pesticide application. All uses will observe label restrictions. Pesticides will be handled in accordance with label and other applicable regulatory requirements. The administering agency for the above authority is the California Department of Pesticide Regulation.

7.4.6.2.9 California Coastal Act of 1976

The act includes requirements that the biological productivity and quality of coastal waters, streams, wetlands and estuaries be maintained and, where feasible, restored. The administering agency for the following two sections is the Central Coast RWQCB.

### Section 30230

This section states that the marine environment shall be used in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of marine organisms for the long term.

### Section 30231

This section states that the biological productivity of coastal waters, streams, wetlands, estuaries and lakes shall be maintained, including by minimizing effects of wastewater discharges and entrainment.

### Section 30240

This section protects environmentally sensitive habitat areas. Development must be sited and designed to prevent impacts that would significantly degrade such areas and be compatible with their continued use. The administering agency is the Commission, with advisory comment by the California Coastal Commission.

#### 7.4.6.2.10 Shellfish Protection Act - Cal. Water Code §§ 14951 - 14958

This act is designed to protect "commercial shellfish growing areas" as certified under the California Health & Safety Code § 112170 from point and nonpoint source pollution. When a commercial shellfish growing area deemed threatened by such pollution, the Act calls for the formation of a technical advisory committee made up of various local stakeholders and State agencies to investigate the nature and scope of the threat and then take remedial action where necessary. No such areas are deemed threatened by the MBPP or the Project.

7.4.6.2.11 California Native Species Conservation and Enhancement Act, CFGC §1750 et seq. Mandates as state policy maintenance of sufficient populations of all species of wildlife and native plants and the habitat necessary to ensure their continued existence at optimum levels.

#### 7.4.6.3 Local Authorities and Administering Agencies

7.4.6.3.1 City of Morro Bay General Plan (Programs LU-40.4, 55, 55.2, 55.3, 55.4, 55.10, 55.11, 58.2, 60, 61, 62, 62.2, and C-37 and C-37.5)

Contains a general environmental protection policy of ensuring that the delicate balance of the environment is not upset and that urbanization takes place only if protection of the environment can



be guaranteed. (OS 85) Additionally, it contains a policy regarding environmentally sensitive habitat. The general policy is that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. The General Plan describes types of uses permitted, specifies buffer zones, and conservation easement requirements. The administering agency for this authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

#### Program LU 40.4

The City will require that new pipelines and transmission lines are installed with suitable mitigation measures such as erosion control, revegetation, and other measures necessary to protect all scenic resources and habitat values.

#### Program LU 40.15

Any expansion of the PG&E power plant shall give priority to the options that would best utilize available on-site space. Additionally, no dunes areas should be disrupted unless there is no other less environmentally damaging alternative. PG&E shall contribute to the dunes stabilization program and reimburse their pro rata share of any Coastal Conservancy (or City) expenditure for dune stabilization in this area. (Land Use Plan policy # 5.20) (LCP 126-127).

#### Program LU-55

Requires that all environmentally sensitive habitat areas be protected against adverse impacts to the maximum extent feasible.

#### Program LU-55.2

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and maintain the habitat's functional capacity.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### Program LU-55.3

No land divisions shall be allowed in the environmentally sensitive habitat areas of the wetlands, sand dunes, stream beds and endangered wildlife habitats, unless the land division is for the express and sole purpose of transferring the property to a public management agency or for some other bona-fide conservation purpose.

#### Program LU-55.4

Requires 100 foot minimum buffering setbacks from sensitive habitat areas. Will require greater setbacks if an environmental assessment indicates that such a greater setback distance is necessary for habitat protection. No major permanent structures are permitted in the setback area. For other than wetland habitat areas, it is possible under certain circumstances to have the setback distance decreased to 50 feet. Such a lesser setback may be established only in consultation with CDFG.

#### Program LU -55.8

A minimum buffer strip along streams shall be required as follows:

- (1) a minimum buffer strip of 100 feet in rural areas;
- (2) a minimum buffer strip of 50 feet in urban areas.

If the applicant can demonstrate that the implementation of the minimum buffer on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 40 feet for rural areas and 25 feet for urban areas. Only when all other means of project modification are found inadequate to provide for both the use and the minimum buffer. The lesser setback shall be established in consultation with the U.S. Fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the landward edge of riparian vegetation or from the top of the bank (e.g. in channelized streams). Maps and supplemental information be required to determine these boundaries. (LCP 221).

#### Program LU-55.10

No structures may be located in the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and development where the primary function is the improvement of fish and wildlife

habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/location is feasible. All development shall incorporate the most protective mitigations feasible. (LCP 212).

#### Program LU-55.11

All permitted development, including dredging, filling, and grading within stream beds and setback buffer areas shall be limited to activities necessary for the constriction of uses specified in Program LU-55.10. If the activities require removal of riparian plant species, revegetation with local native riparian species is required. These activities are subject to review and comment by the U.S. Fish & Wildlife Service and CDFG.

#### Program LU-55.4

No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, run-off, noise, and other disturbances.

#### Program LU-57.2

Prohibits nonauthorize motor vehicles from entering beach or dune areas and requires a 50 to 100-foot buffer strip between development and dune habitat. Additionally, all permitted uses are to be regulated and restrictions enforced to protect critical bird habitats during breeding and nesting seasons. (LCP 213).

#### Program LU-58.2

Protects and preserves coastal dune habitats from all but resource-dependent, scientific, educational, and passive recreational use. Disturbance or destruction of any dune vegetation is prohibited unless there is no feasible alternative and then only if revegetation is a condition of project approval. (LP 213).

#### Program LU-60.0

The location and boundary line of environmentally sensitive habitat areas is to be determined by a field study paid for by the applicant and performed by the City or the City's consultants and approved by the City Council.<sup>(1)</sup>

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### Program LU-61

As a condition of approval of development and prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easements over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor. (CDP 213).

#### Program LU-62

Development of the harbor and beach areas should preserve, protect and enhance the use of these natural resources for the public.

#### Program LU-62.2

Development on or near the harbor or beaches shall take measures to reduce the abusive affects of public use of these resources and control public access to sensitive environmental features.

#### Policy C-37 and Program C-37.5

Pipeline routes should be selected to minimize vegetation disturbance and avoid environmentally sensitive habitat areas. Potential hazard and environmental problems caused by gas pipelines should be reduced to the lowest level feasible.

#### 7.4.6.3.2 City of Morro Bay Coastal Land Use Plan (Policies 1.17, 5.08, 5.20, 11.01, 11.02, 11.04, 11.05, 11.06, 11.10, 11.14, 11.15, 11.16, 11.17, 11.20, 11.22, 11.23)

The Coastal Land Use Plan provides similar protections for Environmentally Sensitive Habitat areas as those contained in the general plan. The requirements include specifications regarding buffers and protection of the Environmentally Sensitive Habitat (Policy 11.14). Specific requirements for the MBPP site are listed below. The administering agency is the City of Morro Bay Public Services Department, Planning and Building Division.

#### Policy 1.17

States that when PG&E property is needed for coastal-dependent energy industrial uses, a vertical (east-west) public access path for pedestrians and bicyclists no less than 10 feet in width shall be required as a condition of development, consistent with public safety needs and the need to protect the operations of the new facilities. A location paralleling the creek shall be allowed, provided the path does not encroach into environmentally sensitive habitat areas or buffer zones.

#### Policy 5.08

The City will require that new pipelines and transmission lines are installed with suitable mitigation measures such as erosion control, revegetation, and other measures necessary to protect all scenic resources and habitat values.

#### Policy 5.20

States that any expansion of the PG&E power plant shall give priority to the options that would best utilize available on-site space. Additionally, no dunes areas should be disrupted unless there is no other less environmentally damaging alternative. PG&E shall contribute to the dunes stabilization program and reimburse their pro rata share of any Coastal Conservancy (or city) expenditure for dune stabilization in this area. (General Plan policy #LU-40.15).

#### Policy 11.01

Protects environmentally sensitive habitat areas against any significant disruption of habitat values, and only allows uses dependent on such resources in such areas. Requires the City to either prepare a wetland/estuarine map or, if funding does not permit, adopt the National Wetland Inventory by U. S. Fish and Wildlife Service as the mapping illustration of the wetland and estuarine areas contained within City boundaries. If the City adopts the National Wetland Inventory Mapping as their LUP wetlands habitats and types, all proposed development located within 100 feet of the mapped wetland boundaries is required to submit additional mapping based on Fish and Wildlife and Coastal Commission Statewide Interpretive Guidelines done by a qualified biologist. The additional mapping will be submitted for review and approval from U. S. Fish and Wildlife and the California Department of Fish and Game. Developments permitted within wetland and/or buffer areas are limited to the uses listed in Section 30233(c) of the Coast Act.

#### Policy 11.02

States that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade the area, and shall maintain the habitats' functional capacity.

#### Policy 11.04

States that no land division shall be allowed in the environmentally sensitive habitat areas of wetlands, sand dunes, stream beds and endangered wildlife habitats as designated on Figures 6 and 28, unless the land division is for the express and sole purpose of transferring the property to a public management agency or for some other bonafide conservation purpose.

#### Policy 11.05

States that prior to the issuance of a coastal development permit, all projects on parcels containing environmentally sensitive habitat as depicted on the Land Use Plan map or habitat map included within the LUP and on the adopted U.S. Fish and Wildlife wetland inventory map, or projects on parcels within 250 feet of all designated areas (except wetland where projects on parcels within 1000 feet is the criterion), or projects having the potential to affect an environmentally sensitive habitat area must be found to be in conformity with the applicable habitat protection policies of the Land Use Plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by a proposed project. Projects which could adversely impact an environmentally sensitive habitat area shall be subject to adequate environmental impact assessment by a qualified biologist(s). In areas of the city where sensitive habitats are suspected to exist but are not presently mapped or identified in the City's Land Use Plan, projects, shall undergo an initial environmental impact assessment to determine whether or not these habitats exist. Where such habitats are found to exist, they shall be included in the city's environmentally sensitive habitat mapping included with the LUP.

#### Policy 11.06

States that buffering setback areas a minimum of 100 feet from sensitive habitat areas are required. In some habitat areas setbacks of more than 100 feet are required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures are permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trail. These projects are subject to review and comment by the Department of Fish and Game prior to commencement of development within a setback area. For other than wetland habitats, the setback minimum may be reduced to 50 feet if there is a sufficient showing that the reduction is required for land use.

#### Policy 11.10

Only native vegetation shall be planted in the habitat areas of rare or endangered species. Where feasible, use of drought tolerant plants of a native variety shall be used in coastal zone areas.

#### Policy 11.14

Requires a minimum buffer strip along all streams shall be required as follows: (1) a minimum buffer strip of 100 feet in rural areas; (2) a minimum buffer strip of 50 feet in urban areas. If the applicant can demonstrate that the implementation of the minimum buffers on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer

may be adjusted downward only to a point where the designated use can be accommodated, but in no case shall the buffer be reduced to less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means to project modifications are found inadequate to provide for both the use and the larger minimum buffer. The lesser setback shall be established in consultation with U.S. Fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations.

#### Policy 11.15

No structures shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and development where the primary function is the improvement of fish and wildlife habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/location is feasible. All development shall incorporate the most protective mitigations feasible.

#### Policy 11.16

All permitted development, including dredging, filling and grading within stream beds and setback buffer areas shall be limited to activities necessary for the construction of uses specified in Policy 11.15. When such activities require removal of riparian plant species, revegetation with local native riparian species shall be subject to review and comment by U.S. Fish and Wildlife Service and the Department of Fish and Game.

#### Policy 11.17

The Biological productivity of the city's environmentally sensitive habitat areas shall be maintained and, where feasible, restored through maintenance and enhancement of the quality and quantity of Morro and Chorro groundwater basins and through prevention of interface with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected.

#### Policy 11.19

No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, run-off, noise, and other disturbances.

#### Policy 11.20

Coastal dune habitats shall be preserved and protected from all but resource-dependent, scientific, educational and passive recreational use. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if revegetation is made a condition of project approval. Such revegetation shall be with native plants propagated from the disturbed sites or from the same species at adjacent sites. All nonauthorized motor vehicles shall be prohibited in beach and dune areas. A buffer strip, a minimum of 50 feet in width in urban areas, and 100 feet in nonurban areas shall be maintained between the dune habitat and adjacent development. All permitted uses shall be regulated and restrictions enforced to protect critical bird habitats during the breeding and nesting seasons. Controls may include restriction of access, noise abatement, restriction of hours of operations of public or private facilities.

#### Policy 11.22

The precise location and thus boundary line of Environmentally Sensitive Habitat areas shall be determined based upon a field study paid for by the applicants and performed by the City or City's consultants and approved by City council and/or their appointed designee prior to the approval of development on the site, including, but no limited to, a division of land, provision of public access, or restoration of the ESH.

#### Policy 11.23

As a condition of approval of development prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easement over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor.

#### 7.4.6.3.3 City of Morro Bay Zoning Ordinance (Municipal Code Section 17)

The zoning ordinance provides specific requirements for development within and surrounding Environmentally Sensitive Habitats. The administering agency for the below-listed sections is the City of Morro Bay Public Services Department, Planning and Building Division.

#### Chapter 17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone C. Uses Allowed Only with a Conditional Use Permit

1. Wetlands: The following are conditionally permitted uses in wetlands: road and bridge replacements, very minor, incidental public facilities when there is no other feasible, environmentally less-damaging alternative; other scientific and education work; restorative measures; and commercial mariculture where no alteration of the wetland is necessary.



3. Sand Dunes, Sandspits: The following are conditionally permitted uses: road and bridge replacements, incidental public facilities such as buried cables or pipelines where there is no other feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effect.
4. Stream Corridors: The following are conditionally permitted uses: controlled public access including public trails within the buffer; necessary pipelines and water supply projects where no alternative location exists; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protect is necessary for public safety or to protect existing development; road and bridges where no alternative route/location is feasible and if support structures are no sited in the environmentally sensitive habitat.

#### Chapter 17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone

##### D. Special ESH Zone Standards

3. Buffers required, general
  - a. Wetlands: The minimum buffer surrounding wetlands shall be one hundred (100) feet. Review area; minim of two hundred fifty (250) feet.
  - b. Streams: The minimum buffer for streams shall be on hundred feet (100) in nonurban areas and fifty feet (50) in urban areas.
  - c. Sand Dunes: The minimum buffer for sand dunes shall be one hundred (100) feet, in nonurban areas and fifty (50) feet in urban areas.
6. Reducing buffers
  - a. In all cases, except for wetlands, buffers may be reduced in accordance with the following standards if the application of the buffer specified in Section 17.40.040.D.4 on a previously subdivided parcel would render that subdivided parcel unusable for its designated use.
  - b. Accommodation of designated use: Buffers may be reduced only to the point where the designated use is accommodated but in no case shall it be less than fifty (50) percent of the width called for in Section 17.40.040.D.4. Said reduction in setbacks may be permitted by the City, as provided above, only after consultation with the California Department of Fish and Game; the applicant shall implement as part of the development all mitigation measures deemed necessary for habitat protection after such consultation. All permitted reductions in buffer areas shall be found consistent with Policies 11.01, 11.05, 11.06, and 11.14 of the Coastal Land Use Plan. (Ord. 263 § 1 (part), 1984.)
7. Uses in buffer area
  - a. General: The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.

Permanent structures: no permanent structures shall be permitted within buffer areas except for those of a minor nature such as : (2) in other district: a) at grade improvements for pedestrian or equestrian trails; b) instructional or informational signs; c) designated observation areas, or other public access or educational facilities; d) fences; e) eaves. Applications for all such improvements shall be submitted to the department fish and game for review and comment before the issuance of a coastal development permit. (ord. 263 § 1 (part), 1984.)

9. Performance Standards: All other sections of this Chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable, in new developments:
- a. Significant Adverse Effects: New development shall not result in significant adverse effects upon habitat values.
  - b. Revegetation: Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary and revegetation with (1) native vegetation in the habitat areas of rare or endangered species, or (2) native, drought-tolerant plants where determined feasible and approved by the City. All such proposals calling for removal of vegetation and subsequent revegetation shall be submitted to the Department of Fish and Game for review and comment.
  - c. Walkways, Trails and Similar Uses: Walkways, bicycle trails, overlooks and other structures for nature study and passive recreational use shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required.
  - g. Other Agency Permits: Prior to an construction, alteration or other improvement in areas designated as wetlands or estuaries the following shall be presented to the City: (1) 404 Permit: A Section 404 permit (or its equivalent successor) from the U.S. Army Corp of Engineers. (2) Letter from CDFG: A letter from the California State Department of Fish and Game stating compliance with Section 1601 and 1603 (or their equivalent successors) of the State Fish and Game code. (Ord. 263 § 1 (part), 1984.)

#### Bird Sanctuary Chapter 7.20

The City Council established protections for birds and their nests through creation of Morro Bay as a Bird Sanctuary. The administering agency for the above authority is the City of Morro Bay.<sup>(1)</sup>

#### 7.4.6.4 Industry Codes and Standards

No LORS or codes are applicable.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.7 CULTURAL RESOURCES

Discussion of the applicable LORS for cultural resources is provided in Section 7.5.8 - Cultural and Paleontological Resources.

#### 7.4.8 CULTURAL AND PALEONTOLOGICAL RESOURCES

The following LORS are applicable or potentially applicable to the Project in the context of evaluation and protection of cultural and paleontological resources.

##### 7.4.8.1 Federal Authorities and Administering Agencies

No LORS or codes are applicable.

##### 7.4.8.2 State Authorities and Administering Agencies

###### 7.4.8.2.1 CEQA of 1970, California PRC §21083.2; Title 14, CCR §15064.5, 15126.4, 15331, Appendix G

CEQA addresses the treatment of cultural and paleontological resources that could be affected. This includes evaluation of the importance of these resources, assessment of project impacts to important resources, and development of a plan to avoid or address potential adverse effects to these resources. Formal findings of importance (for state purposes, eligibility to the California Register of Historic Resources or the California Register of Historic Places) and project effects are made by the lead state regulatory agency or, for federal undertakings, in consultation between the federal lead agency, State Historic Preservation Office (SHPO), and the Advisory Counsel on Historic Preservation. The administering agency for the above authority is the Commission.

###### 7.4.8.2.2 California Public Resources Code

###### PRC §25523(a), 25527; 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i)

The code sections provide for the inclusion of requirements to assure protection of environmental quality within the Commission's decision on an AFC. The AFC is required to include a detailed description and discussion of the environment of the Project area, and the Commission is required to give special consideration to the need for protection of unique historical, archaeological and cultural sites. The administering agency for the above authority is the Commission.

PRC §5097.94 and 5097.98

These code sections provide for mediation of disputes related to recovery and treatment of Native American human remains and identification of Most Likely Descendants. The administering agency for the above authority is the California Native American Heritage Commission (NAHC).

PRC §5097.99

The code section makes it a felony to obtain or possess Native American remains or associated grave goods. The administering agency for the above authority is NAHC.

PRC §5024.1

The code section provides for establishment of the California Register of Historic Resources and procedures for nominating sites to the Register. The administering agency for the above authority is the State Historical Resources Commission.

7.4.8.2.3 California Health and Safety Code

Health and Safety Code §7050.5

The code section provides for county coroner identification of human remains and, if determined to be of Native American origin, coordination with NAHC. The administering agent for the above authority is the San Luis Obispo County coroner and county Environmental Coordinator, San Luis Obispo County Department of Planning and Building and the Commission.

Health and Safety Code §7054, 7500, 10375, 7114, 7052; Government Code 27491

These sections relate to historic remains regarding death certificates, disposition permits, markers or location records and burial places. These laws require the coroner's office be contacted in the event human remains are uncovered. The administrative agency for the above authority is the San Luis Obispo County coroner.

Health and Safety Code §8101

This requires up to six months in jail and/or \$500 fine for obliterating or disturbing a grave. The administering agency for the above authority is the Office of the District Attorney.

#### 7.4.8.2.4 California Coastal Act (CCA) of 1976; PRC §30244

Requires reasonable mitigation measures where development would adversely impact archaeological or paleontological resources. The administering agency for the above authority is the Commission, with comment by the California Coastal Commission (CCC).

#### 7.4.8.3 Local Authorities and Administering Agencies

##### 7.4.8.3.1 City of Morro Bay Coastal Land Use Plan, Chapter VI, Archaeology, Policies 4.01-4.08

These policies provide for protection of archaeological resources within the city of Morro Bay and include requirements for archaeological survey reports, environmental assessment, mitigation (removal, dedication as open space or coverage) and activity restrictions in areas with archaeological resources. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

##### 7.4.8.3.2 City of Morro Bay General Plan, Open Space and Conservation Elements II.C.13, Archaeological Resources

These elements provide for protection of archaeological resources within the city of Morro Bay and include requirements for archaeological survey reports, environmental assessment, mitigation (removal, dedication as open space or coverage) and activity restrictions in areas with archaeological resources. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

##### 7.4.8.3.3 City of Morro Bay Zoning Ordinance, 17.48.310

This ordinance provide for protection of archaeological resources within the city of Morro Bay and include requirements for archaeological survey reports, environmental assessment, mitigation (removal, dedication as open space or coverage) and activity restrictions in areas with archaeological resources. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.8.4 Industry Codes and Standards

The Society of Vertebrate Paleontology is generally recognized as an authority in the field of paleontology. This professional organization has established guidelines and significance criteria for paleontological resource assessments.

#### 7.4.9 LAND USE

The following LORS are applicable to land use as they relate to the Project. Local LORS are discussed in detail in Section 6.9 - Land Use and listed in Table 6.9-3. City of Morro Bay LORS are administered by the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup> County LORS are administered by the County of San Luis Obispo.

##### 7.4.9.1 Federal Authorities and Administering Agencies

###### 7.4.9.1.1 Coastal Zone Management

16 USC § 1456(c)(3)(A). Requires a finding of consistency with the adopted coastal plan. The administering agency is either the Commission or the California Coastal Commission.

##### 7.4.9.2 State Authorities and Administering Agencies

###### 7.4.9.2.1 Warren Alquist Act, California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (i)(3) and (4).

The authorities include provisions to assure protection of environmental quality, including compatibility of a proposed project with relevant land use plans. The administering agency for the above authority is the Commission.

###### 7.4.9.2.2 California PRC §§ 25523(b) and 25507(a) and 30413.

The Commission decision shall include provisions to meet the objectives of the California Coastal Commission report on the suitability of the Project. The California Coastal Commission shall analyze this AFC and prepare the report and findings prior to the commencement of hearings. The administering agency for the above authorities are the Commission and the California Coastal Commission.

#### 7.4.9.2.3 Warren-Alquist Act, California PRC §25550 et seq.

Under the Act, the Commission must require public access to coastal resources as a condition of certification of a facility proposed to be built in the coastal zone. Lands designated in such an area are to be maintained by the applicant or the applicant may dedicate the public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. The administering agency for the above authority is the Commission.

#### 7.4.9.2.4 California Coastal Act of 1976, PRC §30000 et seq.

The Coastal Act establishes a comprehensive scheme to govern land use planning along the entire California coast. The Act sets forth general policies which governs the California Coastal Commission's (CCC) review of permit applications and local plans. Specific to energy facilities, the Act requires the CCC to designate specific locations within the coastal zone where the establishment of a thermal power plant subject to the Warren Alquist Act could "prevent achievement of the objectives of the Coastal Act" (§30413(b)). The MBPP site has not been designated by the CCC in this report as being unsuitable for development of a power plant because it has been categorically excluded from such a determination by virtue of its age (i.e., the MBPP existed prior to passage of the Coastal Act). The administering agency for the above authority is the California Coastal Commission.

#### 7.4.9.3 Local Authorities and Administering Agencies

Please see Land Use LORS at 6.9.3 and "Land Use Plans and Policies Specific to Morro Bay Plant Project" (Table 6.9-3). The administering agency for the local authorities included in Table 6.9-3 is the City of Morro Bay Public Services Department, Planning and Building Division with appeal of the Coastal Land Use Plan to the California Coastal Commission.<sup>(1)</sup>

#### 7.4.9.4 Industry Codes and Standards

No LORS or codes are applicable.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.10 SOCIOECONOMICS

The following LORS are applicable or potentially applicable to the Project in the context of socioeconomics.

##### 7.4.10.1 Federal Authorities and Administering Agencies

###### 7.4.10.1.1 Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"

The Executive Order focuses federal attention on environmental and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of their mission. The Order requires the EPA and other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. Agencies are required to identify and address any disproportionately high or adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations. For the Project, the administering agency for the above authority is the Commission.

##### 7.4.10.2 State Authorities and Administering Agencies

###### 7.4.10.2.1 CEQA; California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR §15131

According to the CEQA Guidelines, economic or social effects of a project "shall not be treated as significant effects on the environment" but may be "used to determine the significance of physical changes caused by the project" (14 CCR §15131). For the Project, the administering agency for the above authorities is the Commission.

###### 7.4.10.2.2 California Government Code §53080, 65955-65997

These sections provide for a maximum levy of \$0.31 per square foot of chargeable and enclosed space on industrial construction. This levy will increase in the Year 2000 and every two years thereafter. Funds are to be used for construction or reconstruction of school facilities. The administering agency for the above authority is the San Luis Coastal Unified School District.

##### 7.4.10.3 Local Authorities and Administering Agencies

No LORS or codes are applicable.



#### 7.4.10.4 Industry Codes and Standards

No LORS or codes are applicable.

#### 7.4.11 TRAFFIC AND TRANSPORTATION

The following LORS are applicable to the control of traffic and transportation as it relates to the Project.

##### 7.4.11.1 Federal Authorities and Administering Agencies

###### 7.4.11.1.1 49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B

These authorities establish national standards for the transport of hazardous materials (Chapter II, Subchapter C), and national safety standards for the transport of goods, materials and substances over public highways (Chapter III, Subchapter B, Parts 171, 172, 173, 177, 178). The administering agency for the above authority is the California Department of Transportation (Caltrans).

##### 7.4.11.2 State Authorities and Administering Agencies

###### 7.4.11.2.1 California Vehicle Code §35780; California Streets & Highways Code §117, 660-711; 21 CCR §1411.1-1411.6

These codes stipulate permit requirements for "overload" approvals (transportation permits) for transportation over state highways. The administering agency for the above authority is Caltrans.

###### 7.4.11.2.2 California Vehicle Code; California Streets and Highways Code; California Health and Safety Code

The California Vehicle Code and the Streets and Highways Code contain requirements applicable to the licensing of drivers and vehicles, the transportation of hazardous materials and right-of-way. In addition, the California Health and Safety Code addresses the transportation of hazardous materials. The administering agency for the listed authorities is Caltrans.

#### Section 31300 et seq.

This code includes provisions for transport of hazardous materials on state highways.

California Vehicle Code, §353

This section defines hazardous materials.

California Vehicle Code, §§31303-31309

These sections regulate the highway transportation of hazardous materials, the routes used, and restrictions thereon.

California Vehicle Code, §31030

This section requires that permit applications shall identify the commercial shipping routes they propose to utilize for particular waste streams.

California Vehicle Code, §§31600-31620

These sections regulate the transportation of explosive materials.

California Vehicle Code, §§32000-32053

These sections regulate the licensing of carriers of hazardous materials and include noticing requirements.

California Vehicle Code, §§32100-32109

These sections establish special requirements for the transportation of inhalation hazards and poisonous gases.

California Vehicle Code, §§3400-34121

These sections establish special requirements for the transportation of flammable and combustible liquids over public roads and highways.

California Vehicle Code, §§34500, 34501, 34501.2, 34501.4, 34501.10, 34505.5-7, 34507.5 and 34510-11

These sections regulate the safe operation of vehicles, including those which are used for the transportation of hazardous materials.

California Vehicle Code, § California Vehicle Code, §§2500-2505

These sections authorize the issuance of licenses by the Commissioner of the California Highway Patrol for the transportation of hazardous materials including explosives.

California Vehicle Code, §§1369, 15275, and 15278

These sections address the licensing of drivers and the classifications of licenses required for the operation of particular types of vehicles. In addition, it requires the possession of certificates permitting the operation of vehicles transporting hazardous materials.

California Streets and Highways Code, §§660, 670, 1450, 1460 et seq., 1470, and 1480

These sections regulate right-of-way encroachment and the granting of permits for the encroachment on state and county roads.

California Health and Safety Code, §§25160 et seq.

These sections address the safe transport of hazardous materials.

7.4.11.2.3 California Coastal Act of 1976; City of Morro Bay Coastal Land Use Plan

Section 30210

Maximum access and recreational opportunities shall be provided, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

Section 30212.5

Public facilities, including parking areas or facilities, shall be distributed to mitigate against impacts of overcrowding or overuse of any single area. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

Section 30222

The use of private lands suitable for visitor uses related to coastal recreation shall not have priority over coastal-dependent industry. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

### 7.4.11.3 Local Authorities and Administering Agencies

#### 7.4.11.3.1 City of Morro Bay General Plan, Part III Circulation Element

The Circulation Element addresses the attributes and problems of automobiles, trucks, buses, bicycles and walking, harbor circulation, pipelines, utility lines and parking. The element acknowledges that accessibility is a major factor in Morro Bay which, therefore, needs a safe and efficient circulation system. The element sets forth major circulation goals, objectives, policies and programs for the Embarcadero, Highway 1, downtown area, utility lines, public transportation, parking, pedestrian circulation, bicycles and the harbor area. The administering agency is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

#### 7.4.11.3.2 City of Morro Bay Coastal Land Use Plan

This plan comprises the City of Morro Bay land use plan, zoning ordinances and maps and implementing actions which together meet the requirements of the Coastal Act at the local level. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division<sup>(1)</sup>, with consultation, approval and appeal granted to the CCC.

#### 7.4.11.3.3 City of Morro Bay Coastal Land Use Plan, Chapter III, Shoreline Access and Recreation, Policy 1.19

The city shall undertake construction of a pedestrian and bicycle bridge over Morro Creek mouth as a means of enhancing lateral shoreline access and recreation opportunities. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

### 7.4.11.4 Industry Codes and Standards

No LORS or codes are applicable.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

#### 7.4.12 NOISE

The following LORS are applicable or potentially applicable to noise as it relates to the Project.

##### 7.4.12.1 Federal Authorities and Administering Agencies

The federal government has no enforceable standards or regulations for environmental noise levels. However, the EPA has issued environmental noise guidelines (1974) to assist in development of state and local LORS. The federal government has issued enforceable regulations for occupational noise exposure.

##### 7.4.12.1.1 EPA Noise Guidelines, 1974

Guidance levels for protection of outdoor and indoor activities relative to noise are day-night sound levels ( $L_{dn}$ ) of 55 decibels (dB) on the A scale [dB(A)], and 45 dB(A), respectively (EPA, 1974). These recommendations apply to residential land use and are defined as the environmental noise levels required to protect public health and welfare with an adequate margin of safety. EPA emphasizes that these recommendations contain a factor of safety and do not consider technical or economic feasibility issues and, therefore, should not be construed as standards or regulations. The guidelines are not administered, per se, by any agency.

##### 7.4.12.1.2 Occupational Safety and Health Act of 1970; 29 CFR §1919 et seq.

Maximum permissible worker noise exposure levels to protect workers from hearing damage have been established by Fed-OSHA. The noise exposure criteria are based on noise level exposure over a specific period of time. When the worker noise level exposure exceeds the permissible level, noise levels must be controlled through feasible engineering or administrative controls. When such controls fail to reduce noise exposure to permissible levels, personal protective equipment must be provided and used to reduce noise exposure to a permissible level. The administering agency for the above authority is Fed-OSHA.

##### 7.4.12.1.3 Noise Control Act (1972), as Amended by the Quiet Communities Act (1978); 42 USC 4901-4918

To promote an effective noise control program, federal, state and local agencies are provided with a framework for cooperation through the Quiet Communities Program. EPA has identified a

day/night level (Ldn) of 55 dBA as providing reasonable protection against community annoyance and activity interference due to noise. The guidelines are not administered, per se, by any agency.

#### 7.4.12.2 State Authorities and Administering Agencies

The state does not promulgate a statewide uniform standard, but requires (Gov. Code §65300) that each county include within its General Plan a Noise Element for control of environmental noise. Additionally, requirements for occupational noise exposure are set forth in CCR Title 8.

##### 7.4.12.2.1 Cal-OSHA Occupational Noise Exposure Regulations; 8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, §5095, et seq.

The Cal-OSHA occupational noise exposure criteria are equivalent to the Fed-OSHA criteria. The criteria are based on a worker's noise level exposure over a specific time period. Maximum permissible worker noise exposure levels to protect against damage to hearing have been established. Compliance with these levels will be achieved through engineering controls or hearing protection and warning signs. The administering agency for the above authority is Cal-OSHA.

##### 7.4.12.2.2 California Noise Control Act of 1973; California Health and Safety Code, Division 28, §10.60

The state assists local agencies with legal and technical expertise to encourage establishment and enforcement of local noise ordinances. The guidelines are not administered, per se, by any agency.

##### 7.4.12.2.3 CEQA; 14 CCR 15000 et seq.; Appendix G §x1

CEQA provides guidelines for determining when a significant noise impact may exist. The administering agency for the above provision is the Commission.

### 7.4.12.3 Local Authorities and Administering Agencies

#### 7.4.12.3.1 City of Morro Bay Zoning Ordinance, Chapter 17.52, Performance Standards.

The administering agency for the above authority is City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

### Section 17.52.030

The noise requirements establish a noise limit of 70 dB  $L_{dn}$  (or community noise equivalent level [CNEL]) within 100 feet of residential, hospital or other noise-sensitive uses. The section also describes limits on loud industrial activities within 100 feet of residential areas. The section sets procedures and standards for review and delineates when noise mitigation such as the use of sound walls is required.

### Table 2

This table establishes maximum allowable noise exposure of stationary noise sources, with a maximum level of 70 dB during daytime and 65 dB during nighttime, as determined at the property line of the receiving land use, and an hourly equivalent noise level ( $L_{eq}$ ) of 50 dB daytime and 45 dB nighttime.

#### 7.4.12.3.2 Morro Bay General Plan; Noise Element

The Noise Element identifies major noise sources and describes protective measures to mitigate effects from these sources. The Noise Element includes noise control strategies, land use compatibility standards, maximum allowable noise exposure levels and requirements for mitigation measures (updated August 29, 1993). The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.<sup>(1)</sup>

### 7.4.12.4 Industry Codes and Standards

No LORS or codes are applicable.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

### 7.4.13 VISUAL RESOURCES

The following LORS are applicable to the protection of aesthetic values and visual resources as they relate to the Project.

#### 7.4.13.1 Federal Authorities and Administering Agencies

No LORS or codes are applicable.

#### 7.4.13.2 State Authorities and Administering Agencies

##### 7.4.13.2.1 CEQA; 14 CCR §15382

The CEQA guidelines provide standards for evaluating the significance of a visual change. The administering agency for the above authority is the Commission.

##### 7.4.13.2.2 State Scenic Highway, State and Highway Code §261

This section recognizes local ordinances that preserve the scenic quality of the designated corridor, Highway 1. This program is designed to encourage quality development that does not degrade the scenic value of the corridor. This official status places no restrictions on making improvements or development near the Highway. The administering agency for the above authority is Caltrans.

#### 7.4.13.3 Local Authorities and Administering Agencies

Please See Visual Resources LORS at 6.13 and "Applicable Laws, Ordinances, Regulations, and Standards that Relate to the Landscape Plan (Table 6.13-8) for a detailed discussion of local LORS. The administering agency for the local authorities included in Table 6.9-3 is the City of Morro Bay Public Services Department, Planning and Building Division with appeal of the Coastal Land Use Plan to the California Coastal Commission.<sup>(1)</sup>

#### 7.4.13.4 Industry Codes and Standards

No LORS or codes are applicable.

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<sup>(1)</sup> Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.



#### 7.4.14 WASTE MANAGEMENT

Information on Waste Management LORS is presented in Section 7.5.15, Hazardous Materials and Waste Management.

#### 7.4.15 HAZARDOUS MATERIALS AND WASTE MANAGEMENT

The following LORS are applicable or potentially applicable to the management of hazardous materials and generated waste streams.

##### 7.4.15.1 Federal Authorities and Administering Agencies

###### 7.4.15.1.1 RCRA; 42 USC §6901 et seq.; 40 CFR Parts 260-272

These codes and regulation sections set forth federal standards for the generation and management of solid waste (42 USC §6922). Administering agencies for the above authority are the EPA Region IX, and Cal-EPA, Department of Toxic Substances Control (DTSC), Region 2, Berkeley.

###### 7.4.15.1.2 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund); 42 USC §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA); 40 CFR Part 302; Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III); 42 USC §11001 et seq.; 40 CFR Parts 350, 355, 370

CERCLA prescribes: the National Response Center to be notified of any release of a reportable quantity of a hazardous substance (42 USC §9603); notification requirements for any potentially injured parties in connection with any such release (42 USC §9611[g]); and requirements for demonstration of financial responsibility in connection with storage of hazardous substances (42 USC §9608[b]).

Superfund regulations define "hazardous substance" as any material appearing in lists referenced in 42 USC 9601 (14) (§101). The EPA regulations at 40 CFR 302.4, Table 302.4, provide a list of hazardous substances under CERCLA and their reportable quantities. SARA Title III established a nationwide emergency planning and response program and imposed reporting requirements for businesses that store, handle or produce significant quantities of hazardous or acutely toxic substances as defined under federal laws. SARA requires the states to implement a comprehensive system to inform federal authorities, local agencies and the public when a significant quantity of hazardous or acutely toxic substance is stored or handled at a facility. In California, many SARA

requirements are reflected in Chapter 6.95 of the California Health and Safety Code. Administering agencies for the above authority are EPA Region IX and the San Luis Obispo County Environmental Health Department.

#### 7.4.15.1.3 29 USC §651; 29 CFR §1910 et seq., §1926 et seq.

These sections contain requirements for equipment used to store and handle hazardous materials. They also address requirements for equipment necessary to protect workers in emergencies. They are designed primarily to protect worker health, but also contain requirements that affect general facility safety. Regulations contained in CCR Title 8 (California equivalent of 29 CFR) are generally more stringent than those contained in 29 CFR. Administering agencies for the above authority are EPA and Cal-OSHA.

#### 7.4.15.1.4 49 CFR Parts 172, 173 and 179

These regulations provide standards for labels, placards and marking on hazardous waste shipments by truck (Part 172), as well as standards for packaging hazardous wastes (Parts 173 and 179). Administering agencies for the above authority are the federal Department of Transportation and California Highway Patrol.

#### 7.4.15.1.5 CAA, §112(r)

This section requires preparation of a risk management plan (RMP) for specified hazardous substances present onsite in quantities above specified thresholds (e.g., 20,000 gallons of aqueous ammonia). Dispersion modeling also is required to determine potential health effect distances for worst-case scenarios of an accidental release of each regulated substance. Other requirements of §112(r) include development of an accidental release prevention program, risk communication program and emergency response program.

The California Accidental Release Program (Cal-ARP) implements the federal accidental release program of CAA §112(r). The Cal-ARP list of regulated hazardous substances is more stringent than the federal list, and its requirements for modeling atmospheric dispersion are slightly different. The OES is delegated by EPA to administer the requirements of CAA §112(r) under Cal-ARP.

#### 7.4.15.2 State Authorities and Administering Agencies

##### 7.4.15.2.1 California Porter-Cologne Water Quality Control Act; California Water Code §13260-13269; 23 CCR §2510 Article 9 et seq.

These code and regulation sections address waste discharge requirements of the Central Coast RWQCB, and apply to storage or disposal of solid and liquid wastes by the Project to the extent that such action may affect the quality of the waters of the state. Administering agencies for the above authority are the SWRCB and Central Coast RWQCB.

##### 7.4.15.2.2 Hazardous Waste Control Act of 1972, as amended; California Health and Safety Code §25100 et seq.; 22 CCR §66001 et seq.

These code and regulation sections address the management of hazardous wastes. Project activities include hazardous waste treatment and disposal. These activities, and state and federal regulations governing these activities, are detailed in the Hazardous Waste Facility (Part B) Permit and include the following:

- Waste Analysis (22 CCR §25100 et seq., 66305, 66471).
- Certifying on waste shipment manifests that MBPP has a program (e.g., SB14 Plan) to reduce the volume and toxicity of the waste to the degree determined economically practicable, and reporting to DTSC, at least every 2 years, changes in volume and toxicity of wastes achieved through waste reduction (42 USC §6922[a] and [b]; California Health & Safety Code §25244).
- Complying with standards for temporary storage of hazardous wastes (California Health & Safety Code §25123.3; 15117.12; 22 CCR §66508, 25159–25159.5).
- Arranging proper transport and disposal or treatment of hazardous wastes (California Health & Safety Code §25163, 25203; 22 CCR §66472, 66480).
- Preparing a manifest for the transport of hazardous wastes; providing DTSC with a biennial report regarding hazardous waste shipments (22 CCR §66480-66484, 66493).
- Complying with packaging and labeling requirements for shipments of hazardous wastes (22 CCR §66504 - incorporating the U.S. Department of Transportation requirements at 49 CFR Parts 173, 178 and 179 [packaging], and Part 172 [labeling and marking]).
- Maintaining waste testing and disposal records for specified periods (22 CCR §66492).
- Complying with financial responsibility requirements (California Health & Safety Code §25245-25249; 22 CCR §67001-67035).
- Complying with used oil management requirements, unless exempted (California Health & Safety Code §25250-25250.25).

- Complying with emergency preparedness, prevention and planning requirements (22 CCR §67120-67126).
- Complying with monitoring requirements (22 CCR §67180-67188).

Administering agencies for the above authorities are EPA, DTSC, San Luis Obispo County Environmental Health Department, and Morro Bay Fire Department.

#### 7.4.15.2.3 8 CCR §339; 3200 et seq., 5139 et seq. and 5160 et seq.

These sections provide lists of hazardous chemicals (§339); address control of hazardous substances (§3200 et seq. and 5139 et seq.); address hot, flammable, poisonous, corrosive and irritant substances (§5160 et seq.). The administering agency for the above authorities is the Commission.

#### 7.4.15.2.4 California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309 and Chapter 2, Subchapter 5, Article 1, Appendix B, Parts (c) and (1)

These sections provide for inclusion of requirements in the Commission's decision on an AFC to assure protection of waste handling and control and water quality protection based on Health Risk Assessment Guidelines. The administering agency for the above authority is the Commission.

#### 7.4.15.2.5 California Health and Safety Code §25500-25543.3; 19 CCR §2720-2734; 22 CCR §66262.34(a)(3) and 66265.52; 8 CCR §5189

These sections require preparation of a Hazardous Materials Business Plan by an Applicant. Such plans address in detail emergency planning and response in the event of a hazardous materials release at a facility. They may also require preparation of a Cal-ARP RMP (§§25531-25543.3) where highly toxic or highly flammable regulated substances are used. The RMP must be based on studies identifying potential hazards associated with the handling of such materials proposed for use at the facility. The administering agencies for the above authorities are the San Luis Obispo County Health Department and the Morro Bay Fire Department. The San Luis Obispo County Health Department - Division of Environmental Health is the local Certified Unified Program Agency and the administering agency for the Business Plan.

#### 7.4.15.2.6 Uniform Fire Code, Articles 4, 79, 80

The Uniform Fire Code includes provisions for storage and handling of hazardous materials. There is considerable overlap between this code and Chapter 6.95 of the California Health and Safety Code. It does, however, contain independent provisions regarding fire protection and neutralization systems for emergency venting (see §80.303, D [compressed gases]). Article 4 establishes hazardous materials storage thresholds above which a permit is required. Article 79 presents requirements for combustible and flammable liquids. The administering agency for the above authority is the Morro Bay Fire Department.

#### 7.4.15.3 Local Authorities and Administering Agencies

##### 7.4.15.3.1 City of Morro Bay Zoning Ordinance, Chapter 17.52, Performance Standards Section 17.52.090, Liquid or Solid Waste

Prohibits discharge of such nature or temperature as can contaminate any water supply, interfere with sewage treatment or cause emission of dangerous or offensive elements except as permitted by the California Department of Public Health or other authorized agency. The administering agency for the above authority is the Central Coast RWQCB.

##### Section 17.52.100, Chemicals

Prohibits use or storage of noxious chemicals or large volumes of solvents or flammable liquids within 100 feet of residential uses unless otherwise approved. The administering agency for the above authority is the City of Morro Bay Public Services Department, Planning and Building Division.

#### 7.4.15.4 City of Morro Bay Health and Safety Ordinance

##### Section 8.16.160 and 17.48.230 Waste Material Collection Station

Major redevelopments shall be required to create refuse collection stations that are screened from public view in an attractive manner. The administering agency for this authority is the City of Morro Bay Public Services Department, Planning and Building Division.

#### 7.4.15.5 Industry Codes and Standards

##### 7.4.15.5.1 American Institute of Chemical Engineers - Center for Chemical Process Safety, 1985 Guidelines

These guidelines provide for chemical hazard evaluation procedures. The administering agency for the above authority is the OES.

#### 7.4.16 PUBLIC HEALTH

For information pertaining to Public Health LORS, see Section 7.3.2, Public Health/Worker Safety.

#### 7.4.17 WORKER SAFETY

For information pertaining to Worker Safety LORS, see Section 7.3.2, Public Health/Worker Safety.

#### 7.4.18 TRANSMISSION SYSTEMS SAFETY AND NUISANCE

For information pertaining to Transmission Systems Safety and Nuisance LORS, see Section 7.3.3, Transmission Systems Safety and Nuisance.

**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**

Page 1 of 29

LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.2 Project Siting and Construction					
7.2.1 Engineering Geology	Section 6.3 - Geologic Hazards and Resources	Federal	None applicable.	None applicable.	None applicable.
	6.3.1.5, 6.3.2.1, 6.3.2.4, 6.3.5 Pages 6.3-12 through 6.3-26	State	PRC 25523(a) and (d); 20 CCR §1752(b), (c).	California Energy Commission ("Commission") through its Chief Building Official (CBO). For non-Commission projects the Morro Bay Planning and Building Department.	Restricts building relative to seismicity. Project will meet design criteria and requirements.
	6.3.2.4, 6.3.5 Pages 6.3-24 through 6.3-26		California Building Code (CBC) and Uniform Building Code (UBC) Chapter 33.	City of Morro Bay Public Services Department, Planning and Building Division.	Control excavation, grading, construction to safeguard life and property.
	None applicable.	Local	City of Morro Bay Zoning Ordinance 17.52.040 Vibration.	City of Morro Bay Public Services Department, Planning and Building Division.	No vibration permitted so as to cause a noticeable tremor at the lot line.
			City of Morro Bay Zoning Ordinance Chapter 17.44 Parking, Driveway and Loading Facilities.	City of Morro Bay Public Services Department, Planning and Building Division.	Enumerates parking, driveway, and loading facility dimensional requirements.
			City of Morro Bay Building and Construction Ordinance 14.16.030 Retaining Walls.	City of Morro Bay Public Services Department, Planning and Building Division.	Sets up a permit requirement for retaining walls over a certain size.
			City of Morro Bay Building and Construction Ordinance 14.04 Building and Coastal Development Permits.	City of Morro Bay Public Services Department, Planning and Building Division.	Requires building permits for construction within City limits and coastal development permits when required by state statute.
			City of Morro Bay Building and Construction Ordinance 14.20 and 14.24 Electrical and Plumbing Code.	City of Morro Bay Public Services Department, Planning and Building Division.	Specify requirements related to electrical and plumbing portions of a building permit.

- (1) Not all sections of the AFC have a designated parallel in the LORS Section. Sections 6.14 (Waste Management) and 6.15 (Hazardous Materials) are addressed under Section 7.5.15 (Hazardous Materials and Waste Management); Sections 6.16 (Public Health) and 6.17 (Worker Safety) are under Section 7.4.2 (Public Health/Worker Safety). Section 6.18 (Transmission Systems Safety and Nuisance) is addressed in Section 7.4.3 (Transmission Systems Safety and Nuisance).
- (2) Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state, and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE  
(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.2.1 Engineering Geology (Cont'd)		Industry	See "Civil Engineering Design Criteria" (Appendix 8-3).	None applicable.	Project will meet design criteria.
7.2.2 Civil and Structural Engineering	Section 8.2 - Site Layout, Section 8.3 - Facility Design	Federal	None applicable.	None applicable.	None applicable.
	8.2, 8.3 Pages 8-2 through 8-17 Appendices 8-3, 8-4	State	PRC 25523(a) and (d); 20 CCR §1752(b), (c); CBC and UBC.	City of Morro Bay Public Services Department, Planning and Building Division	Project will meet design criteria and requirements.
	None applicable.	Local	None applicable.	None applicable.	None applicable.
	8.2.1, 8.2.2, 8.3 Pages 8-8 through 8-25	Industry	See "Civil Engineering Design Criteria" (Appendix 8-3) and "Structural Engineering Design Criteria" (Appendix 8-4).	None applicable.	Project will meet design criteria.
	Section 8.2 - Site Layout (Section 8.3 - Facility Design) (Cont'd)	Industry (Cont'd)	See Table 7-5.	Various. See Table 7-5.	Industry codes and trade association standards, usually for equipment.
7.2.3 Mechanical Engineering	Sections 8.2 - Site Layout, Section 8.3 - Facility Design	Federal	None applicable.	None applicable.	None applicable.
	8.2, 8.3 Pages 8-2 through 8-25 Appendices 8-5, 8-7	State	PRC 25523(a) and (d); 20 CCR §1752(b), (c); CBC and UBC.	City of Morro Bay Public Services Department, Planning and Building Division.	Project will meet design criteria and requirements.
	None applicable.	Local	None applicable.	None applicable.	None applicable.
	8.2, 8.3, 8.5.2.2.6 Pages 8-2 through 8-25, 8-40 Appendices 8-6, 8-7	Industry	See "Mechanical Engineering Design Criteria" (Appendix 8-5) and "Control Systems Engineering Design Criteria" (Appendix 8-7).	None applicable.	Project will meet design criteria.
			See Table 7-5.	Various. See Table 7-5.	Industry codes and trade association standards, usually for equipment.
7.2.4 Electrical Engineering	Section 8.3 - Facility Design	Federal	None applicable.	None applicable.	None applicable.

- (1) Not all sections of the AFC have a designated parallel in the LORS Section. Sections 6.14 (Waste Management) and 6.15 (Hazardous Materials) are addressed under Section 7.5.15 (Hazardous Materials and Waste Management); Sections 6.16 (Public Health) and 6.17 (Worker Safety) are under Section 7.4.2 (Public Health/Worker Safety). Section 6.18 (Transmission Systems Safety and Nuisance) is addressed in Section 7.4.3 (Transmission Systems Safety and Nuisance).
- (2) Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state, and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.



**TABLE 7-1**  
**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
**(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.2.4 Electrical Engineering (Cont'd)	Appendices 8-5, 8-7	State	PRC 25523(a) and (d); 20 CCR §1752(b), (c); CBC and UBC.	City of Morro Bay Public Services Department, Planning and Building Division.	Project will meet design criteria and requirements.
	None applicable.	Local	None applicable.	None applicable.	None applicable.
	8.3.3, 8.4 Pages 8-25 through 8-26	Industry	"Electrical Engineering Design Criteria" (Appendix 8-6) and "Control Systems Engineering Design Criteria" (Appendix 8-7).	None applicable.	Project will meet design criteria.
			See Table 7-5.	Various. See Table 7-5.	Industry codes and trade association standards, usually for equipment.
7.3 Project Design and Operation					
7.3.1 Power Plant Reliability	Section 8.5 - Reliability	Federal	None applicable.	None applicable.	None applicable.
	None applicable.	State	None applicable.	None applicable.	None applicable.
	None applicable.	Local	None applicable.	None applicable.	None applicable.
	8.5 Pages 8-26 through 8-40 Tables 8-1, 8-2	Industry	Electric Power Research Institute; North American Electric Reliability Council (NAERC).	None applicable.	EPRI and NAERC trade association guidelines will be followed.
7.3.2 Public Health/Worker Safety	Section 6.16 - Public Health; Section 6.17 - Worker Safety 6.16.2, 6.16.2, 6.17.1, 6.17.2, 6.17.5 Pages 6.16-10, 6.17-2 through 6.17-21, 6.17-32	Federal	Occupational Health & Safety Act of 1970 (OSHA), 29 USC §651 et seq.; 29 CFR 1910 et seq.; 1926 et seq.	Fed-OSHA and Cal-OSHA.	Meet employee health and safety standards for employer-employee communications, electrical operations and chemical exposures.
	6.16.2, 6.16.2, 6.17.1, 6.17.2, 6.17.5 Pages 6.16-10 to 6.17-2 through 6.17-21, 6.17-32		Department of Labor, Safety and Health Regulations for Construction, Contract Work Hours and Safety Standards Act, §333; 40 USC §327 et seq.	Fed-OSHA and Cal-OSHA.	Meet employee health and safety standards for construction activities. Requirements addressed in CCR Title 8, General Construction Safety Orders, Chapter 4, Subchapter 4.

(1) Not all sections of the AFC have a designated parallel in the LORS Section. Sections 6.14 (Waste Management) and 6.15 (Hazardous Materials) are addressed under Section 7.5.15 (Hazardous Materials and Waste Management); Sections 6.16 (Public Health) and 6.17 (Worker Safety) are under Section 7.4.2 (Public Health/Worker Safety). Section 6.18 (Transmission Systems Safety and Nuisance) is addressed in Section 7.4.3 (Transmission Systems Safety and Nuisance).

(2) Pursuant to CCR Title 20, Appendix B(h)(1)(B): Each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state, and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.

**TABLE 7-1**  
**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
**(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.3.2 Public Health/Worker Safety (Cont'd)	6.16.2, 6.16.2, 6.17.1.1.3, 6.17.1.2, 6.17.1.3 Pages 6.16-10 to 6.17-13, 6.17-15 through 6.17-20	Federal (Cont'd)	Uniform Fire Code, Articles 4, 79, 80.	Morro Bay Fire Department.	Meet requirements for obtaining permits (Article 4), flammable and combustible liquids (Article 79) and for the storage and handling of hazardous materials (Article 80).
	6.17.1.1.4, 6.17.1.2, 6.17.1.3 Pages 6.17-13 through 6.17-20		National Fire Protection Association (see Table 7-3 for list of standards).	Morro Bay Fire Department.	Meet standards necessary to establish a reasonable level of safety and property protection from hazards created by fire and explosion.
	6.16.2 Pages 6.16-10		Clean Air Act, 42 USC §7409, 7411, 7412, 7521 et seq.	San Luis Obispo County APCD.	Meet standards for air quality, hazardous air pollutants, new sources, and control technology.
	6.17.1.1.1, 6.17.1.1.2, 6.17.1.2 Pages 6.17-3 through 6.17-12; Table 6.17-12; 6.17-15 through 6.17-18	State	California Code of Regulations (CCR), Title 8, Title 24.	Cal-OSHA.	Meet requirements for a safe and hazard-free working environment. Requirements include General Industry Safety Orders, General Construction Safety Orders, Electrical Safety Orders. See Table 7-4.
	6.17.1.2 Pages 6.17-15 through 6.17-18		22 CCR §66264.16, 66270.14	California Department of Health Services.	Meet requirements for personnel training and recordkeeping.
	6.16.2 Pages 6.16-10		PRC §25523 (a); 20 CCR 1752, 1752.5, 2300-2309; and Division 2, Chapter 5, Article 1, Appendix B, Part (i).	California Energy Commission.	Health Risk Assessment Guidelines for quantitative Health Risk Assessment.

- (1) Not all sections of the AFC have a designated parallel in the LORS Section. Sections 6.14 (Waste Management) and 6.15 (Hazardous Materials) are addressed under Section 7.5.15 (Hazardous Materials and Waste Management); Sections 6.16 (Public Health) and 6.17 (Worker Safety) are under Section 7.4.2 (Public Health/Worker Safety). Section 6.18 (Transmission Systems Safety and Nuisance) is addressed in Section 7.4.3 (Transmission Systems Safety and Nuisance).
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**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE  
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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.3.2 Public Health/Worker Safety (Cont'd)	6.17.1.2.2, 6.17.1.3 Pages 6.17-17 through 6.17-20	State (Cont'd)	California Health & Safety Code §25500 to 25541; 19 CCR §2720-2734.	Office of Emergency Services; Morro Bay Fire Department.	Inventory, reporting, business and area planning requirements in accordance with Federal Emergency Planning and Community Right-to-Know Act of 1986.
			California Health & Safety Code §39606.	San Luis Obispo County APCD.	Requires establishment of California specific ambient air quality standards.
			California Health & Safety Code §41700.	San Luis Obispo County APCD.	Prohibits discharge of air contaminants that cause nuisance or annoyance to the public.
	6.16.1, 6.16.2, 6.16.5 Pages 6.16-5, 6.16-10, 6.16-25		California Clean Air Act, California Health & Safety Code §39650 et seq.	California Air Resources Board; San Luis Obispo County APCD.	Meet requirements for Best Available Control Technology to minimize exposure limits to toxic air pollutants and possible risk assessments for carcinogenic pollutants.
	6.15.2, 6.16.1, 6.16.2 Pages 6.15-10 through 6.15-41, 6.16-5 through 6.16-17	Local	California Clean Air Act, California Health & Safety Code §39650 et seq.	San Luis Obispo County APCD.	Comply with rules and regulations that require permits for stationary sources of air emissions. Health risk assessment for sources subject to new source review.
			City of Morro Bay Buildings and Construction Ordinance, Chapter 14.60 Uniform Fire Code.	Morro Bay Fire Department.	Describes requirements for fire safety and fire prevention.

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**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.3.2 Public Health/Worker Safety (Cont'd)	6.15.1, 6.15.2.1, 6.15.2.2.1, 6.17.1.1.2, 6.17.1.3, 6.17.2.2 Pages 6.15-4, 6.15-17, 6.15-18 through 6.15-20, 6.17-10, 6.17-11, 6.17-15 through 6.17-17, 6.17-21	Local (Cont'd)	City of Morro Bay Zoning Ordinance, Chapter 17.52, §17.52.010.	Morro Bay Fire Department.	Provide adequate safety devices for flammable and explosive materials.
			City of Morro Bay Health and Safety Ordinance §8.14.020 and 8.14.030.	City of Morro Bay.	Regulates public nuisances, including anything injurious to health or offensive to the senses.
	7.0 Table 7-5	Industry	See Table 7-5.	Various. See Table 7-5.	Industry codes and trade association standards, typically requirements of equipment manufacturers.
7.3.3 Transmission Systems Safety and Nuisance	Section 6.18 - Transmission Systems Safety and Nuisance; Section 8.4 - Transmission System Design 6.18.1.1, 6.18.1.2, 6.18.2.1, 6.18.2.2, 8.4 Pages 6.18-2, 6.18-12, 6.18-15, 6.18-8 through 6.18-25 Appendix 6.18-2	Federal	Federal Communications Commission Regulations, 47 CFR §15.25, Operating Requirements, Incidental Radiation.	Federal Aviation Administration (FAA).	Mitigation for any device that causes communications interference.
			Federal Aviation Administration, 14 CFR 77; AC No. 70/460-1G.	FAA.	Describes standards for marking and lighting objects.
	6.18.1.5 Page 6.18-7	State	CPUC, General Order 52 Construction and Operation of Power and Communication Lines.	California Public Utilities Commission.	Prevent or mitigate inductive interference.
	6.18, 6.18.1.1, 6.18.1.2, 6.18.2 Page 6.18-1, 6.18-2, 6.18-11 through 6.18-15		3 CCR §2700 et seq., High Voltage Electric Safety Orders.	California Public Utilities Commission.	Compliance with standards for operation and maintenance of electrical equipment.

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**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
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7.3.3 Transmission Systems Safety and Nuisance (Cont'd)		State (Cont'd)	14 CCR §1250.	California Public Utilities Commission.	Specifies utility-related measures for fire prevention.
	6.18.1.4, 6.18.2.1 Pages 6.18-6, 6.18-12		Radio & Television Interference (RI/TVI) Criteria.	California Energy Commission.	RI/TVI mitigation requirements, if applicable.
	None applicable.	Local	None applicable.	None applicable.	None applicable.
	6.18.1.6, 6.18.1.7, 6.18.1.8, 6.18.2.2 Pages 6.18-7, 6.18-9, 6.18-11, 6.18-15 Appendix 6.18-1	Industry	Bonneville Power Administration (BPA), Corona and Field Effects Program Version 3.	None applicable.	Electric and magnetic fields and corona effects modeling.
	6.18.2 Page 6.18-11; Appendix 6.18-2		California Independent System Operator (Cal-ISO).	Cal-ISO as reviewer.	Review interconnection study.
			National Electrical Safety Code Part 2.	None applicable.	Provides guidelines for safe operating clearances.
7.4 Environmental Information					
7.4.2 Air Quality	Section 6.2 - Air Quality 6.2.4.1 Pages 6.2-15 Table 6.2-14	Federal	Federal Clean Air Act (CAA), as amended, 1990.	San Luis Obispo County APCD, with EPA Region IX oversight.	Portions of Clean Air Act, codified by EPA, are implemented by EPA or delegated to state/local agencies as described below.
	6.2.4.1 Pages 6.2-15 Table 6.2-14		New Source Performance Standards, 42 USC §7411; 40 CFR §60 Subpart GG (also San Luis Obispo County APCD Rule 601).	San Luis Obispo County APCD with EPA Region IX oversight.	Project's controlled emissions will satisfy NSPS for stationary gas turbines. NO <sub>x</sub> emissions will be less than NSPS limits. Natural gas will satisfy NSPS fuel requirements for SO <sub>2</sub> . Required monitoring plans will be prepared and monitoring will be performed.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.2 Air Quality (Cont'd)	6.2.4.1; Pages 6.2-15	Federal (Cont'd)	National Emissions Standards for Hazardous Air Pollutants, CAA Section 112, 42 USC Section 7412; 40 CFR Part 63.	EPA Region IX.	Sets national standards.
	6.2.4.1, 6.2.5, 6.2.6.1 Pages 6.2-15, 6.2-22, 6.2-38		CAA Prevention of Significant Deterioration, CAA §160 -169A; 42 USC §7470-7491; 40 CFR Parts 51 and 52.	EPA Region IX.	Duke Energy will apply for PSD permit; Project will satisfy PSD requirements.
	6.2.4.1, 6.2.5, 6.2.6.3; Pages 6.2-15, 6.2-22, 6.2-46		New Source Review, CAA Section 171-193; 42 USC Section 7501 et seq.; 40 CFR Parts 51 and 52.	San Luis Obispo County APCD with EPA Region IX oversight.	Project will submit application and satisfy NSR requirements.
	6.2.4.1, 6.2.6.3 Pages 6.2-15, 6.2-46 Table 6.2-14		Acid Rain Program, CAA §401, Title IV, 42 USC §7651; 40 CFR 72 (also San Luis Obispo County APCD Rule 217).	San Luis Obispo County APCD with EPA Region IX oversight.	SO <sub>2</sub> and NO <sub>x</sub> allowances will be acquired by Applicant. Required monitoring plans will be prepared. Emissions will be monitored for acid rain programs.
	6.2.4.1, 6.2.6.3 Pages 6.2-15, 6.2-46 Table 6.2-14		Operating Permits Program, CAA §501 Title V, 42 USC §7661; 40 CFR §70; (also San Luis Obispo County APCD Rule 216).	San Luis Obispo County APCD with EPA Region IX oversight.	Applicant will file application within 12 months after plant startup, as required, and obtain Permit to Operate.
	6.2.4.1 Pages 6.2-15	State	State Implementation Plan: Health and Safety Code §39500 et. seq.	San Luis Obispo County APCD with CARB and EPA Region IX oversight.	Project will comply with NAAQS through compliance with applicable San Luis Obispo County APCD rules.
	6.2.4.1 Pages 6.2-15		California Clean Air Act, Health and Safety Code §40910 - 40930.	San Luis Obispo County APCD with CARB oversight.	Project will comply with San Luis Obispo County APCD requirements to attain NAAQS and CAAQS at the earliest practicable date.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.2 Air Quality (Cont'd)	6.2.4.1, 6.2.5; Pages 6.2-15, 6.2-22	State (Cont'd)	Toxic Air Contaminant Identification and Control Act, Health and Safety Code Section 39650 – 39675.	CARB.	Provides for the identification and control of toxic air contamination.
			Health & Safety Code §41700.	San Luis Obispo County APCD.	Prohibits the discharge of air contaminants that cause nuisance or annoyance to the public or public health.
	6.2.4.1, 6.2.5 Pages 6.2-15, 6.2-22 Table 6.2-14		Air Toxic "Hot Spots", Health & Safety Code §44300-44384; 17 CCR §93300 -93347.	San Luis Obispo County APCD with CARB oversight.	Screening HRA prior to construction and required Applicant will file Air Toxics "Hot Spots" Information and Assessment, as required, after start of operation.
	6.2.4.1, 6.2.6.3 Pages 6.2-15, 6.2-46 Table 6.2-14		Commission and CARB Memorandum of Under- standings PRC §25523(a); 20 CCR §1752, 2300-2309, Div. 2, Chapter 5, Article 1, Appendix B Part (k).	California Energy Commission.	Comply with LORS and protect environment and health and safety.
	6.2.4.1 Pages 6.2-15	Local	San Luis Obispo County APCD Air Quality Plan; Health and Safety Code, §4000, et seq., §40914.	San Luis Obispo County APCD with CARB oversight.	Comply with APCD measures and rules to maintain CAAQS.
	6.2.4.1 Pages 6.2-15		San Luis Obispo County APCD Rules and Regulations; Health and Safety Code §40200 et seq.	San Luis Obispo County APCD with EPA Region IX and CARB oversight.	Comply with permit requirements.
	6.2.4.2 Page 6.2-16		San Luis Obispo County APCD Rule 201, Authority to Construct.	San Luis Obispo County APCD.	Project will obtain permit prior to construction.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.2 Air Quality (Cont'd)	6.2.4.2, 6.2.5.1, 6.2.5, 6.2.6.3 Pages 6.2-16, 6.2-22, 6.2-46, Table 6.2-14	Local (Cont'd)	San Luis Obispo County APCD Rule 204, Review of New or Modified Sources.	San Luis Obispo County APCD with CARB oversight.	Agency approval required prior to construction.
	6.2.4.1.1, 6.2.4.2.5, 6.2.6.3 Pages 6.2-14, 6.2-16, 6.2-24, 6.2-68 Table 6.2-14		San Luis Obispo County APCD Rule 216, Federal Operations Permits.	San Luis Obispo County APCD with EPA Region IX oversight.	Title V Permit. Approval required within 12 months after operation of new facility.
	6.2.4.1, 6.2.4.2, 6.2.6.3 Pages 6.2-15, 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Rule 217, Acid Deposition Control.	San Luis Obispo County APCD with EPA Region IX oversight.	Title IV Permit. Application within 24 months of operation of new units.
	6.2.4.1, 6.2.4.2, 6.2.5; Pages 6.2-15, 6.2-16, 6.2-22		San Luis Obispo County APCD Rule 219, Toxics New Source Review.	San Luis Obispo County APCD with CARB oversight.	Project will comply with requirements.
			San Luis Obispo County APCD Rule 223, CEC Review.	San Luis Obispo County APCD.	APCD Issues Determination of Compliance.
	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Rule 601, New Source Performance Standards.	San Luis Obispo County APCD with CARB oversight.	Monitoring of fuel; limits NO <sub>x</sub> and SO <sub>2</sub> emissions. Approval required prior to construction.
	6.2.4.2, 6.2.6.3 Page 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Prohibitory Rule 401, Visible Emissions.	San Luis Obispo County APCD with CARB oversight.	Prohibits visible emissions to as dark or no darker than Ringelmann No. 2 for more than 3 minutes in any hour. Approval required prior to construction.
	6.2.4.2.7, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Prohibitory Rule 402, Public Nuisance.	San Luis Obispo County APCD with CARB oversight.	Limits emissions to protect public health, business, property. Approval and ATC required prior to construction.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.2 Air Quality (Cont'd)	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14	Local (Cont'd)	San Luis Obispo County APCD Prohibitory Rule 403, Particulate Matter.	San Luis Obispo County APCD with CARB oversight.	Limits PM emissions from stationary sources. Approval and ATC required prior to construction.
	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Prohibitory Rule 404, Sulfur Compounds Emissions.	San Luis Obispo County APCD with CARB oversight.	Limits SO <sub>2</sub> emissions from stationary sources. Approval and ATC required prior to construction.
	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Prohibitory Rule 405, Nitrogen Oxides.	San Luis Obispo County APCD with CARB oversight.	Limits NO <sub>x</sub> emissions. Approval and ATC required prior to construction.
	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46		San Luis Obispo County APCD Prohibitory Rule 406, Carbon Monoxide.	San Luis Obispo County APCD with CARB oversight.	Limits CO emissions. Approval and ATC required prior to construction.
	6.2.4.2, 6.2.6.3 Pages 6.2-16, 6.2-46 Table 6.2-14		San Luis Obispo County APCD Prohibitory Rule 429, Emissions from Electric Power Generation Boilers.	San Luis Obispo County APCD with CARB oversight.	Limits NO <sub>x</sub> , CO and ammonia emissions from electric power generation boilers. Approval and ATC from stationary sources required prior to construction.
			City of Morro Bay Coastal Land Use Plan, Chapter VII, Energy/Industrial Development, Policy 5.22.	San Luis Obispo County APCD.	Requires compliance with federal and state pollution control/emission requirements.
	6.2.4.2 Page 6.2-16 (See Rule 401)		City of Morro Bay Zoning Ordinance, Chapter 17.52, Performance Standards.	San Luis Obispo County APCD.	Requires compliance with San Luis Obispo County APCD emissions standards and opacity requirements.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.2 Air Quality (Cont'd)	6.2 (See above) Page 6.2-1	Local (Cont'd)	City of Morro Bay General Plan, LU-40.17; Local Coastal Plan 127.	San Luis Obispo County APCD.	Requires power plant expansion to conform to federal and state pollution control requirements and emission levels.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.
7.4.3 Geological Hazards and Resources (see 7.2.1 of this table)	See 7.2.1 of this table	See 7.2.1 of this table	See 7.2.1 of this table.	See 7.2.1 of this table.	See 7.2.1 of this table.
7.4.4 Agriculture and Soils	Section 6.4 - Agriculture and Soils 6.4.2.1, 6.4.2.4 Pages 6.4-9, 6.4-15	Federal	Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including 1987 amendments).	Central Coast RWQCB under direction of SWRCB.	Meet discharge requirements relative to sediment due to accelerated erosion.
	6.4.2.1, 6.4.2.4 Pages 6.4-9, 6.4-15		U.S. Department of Agriculture, Soil Conservation Service (SCS), <i>National Engineering Handbook</i> (1983), §2 and 3.	Natural Resources Conservation Service (formerly Soil Conservation Service).	Implement standards for planning, design and construction of soil conservation practices.
	6.4 Pages 6.4-1 through 6.4-16	State	PRC §25523(a); CCR §1752, 1752.5, 2300-2309 and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	California Energy Commission.	Submission of information to Commission concerning potential environmental impacts.
	6.4.2.2, 6.4.2.3 Pages 6.4-10 through 6.4-15		PRC §21000 et seq.; Guidelines for Implementation of CEQA, 14 CCR §15000-15387, Appendix G.	California Energy Commission.	Evaluate erosion or siltation and conversion of agricultural lands.
	6.4.2.1, 6.4.2.2, 6.4.2.4, 6.5.2.2.4 Pages 6.4-9 through 6.4-15, 6.5-85		California Porter-Cologne Water Quality Control Act of 1972; California Water Code, §13260-13269; 23 CCR Chapter 9.	California Energy Commission; Central Coast RWQCB; SWRCB.	Protect water quality by appropriate design, sizing and construction of erosion and sediment controls. Obtain waste discharge requirements for potential surface water pollution from project area run-off.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.4 Agriculture and Soils (Cont'd)	6.4.2.4 Page 6.4-15	Local	City of Morro Bay Zoning Ordinance, §17.48.300.	City of Morro Bay Public Services Department, Planning and Building Division.	Requires estimates of run-off, type and location of drainage into streams or environmentally sensitive habitat.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.
7.4.5 Water Resources	Section 6.5 - Water Resources 6.5, 6.5.1.3, 6.5.1.3.2, 6.5.1.4.1, 6.5.1.9, 6.5.2.1, 6.5.2.2, 6.5.2.2.1, 6.5.2.2.5 Pages 6.5-1, 6.5-7, 6.5-15, 6.5-20, 6.5-53, 6.5-54, 6.5-60, 6.5-63, 6.5-86	Federal	Clean Water Act §402, 33 USC §1342; 40 CFR Parts 122-136.	Central Coast RWQCB, with oversight by State Water Resources Control Board (SWRCB) and EPA Region IX.	NPDES permit for construction activities and preparation of SWPPP and Monitoring Program. Regulation of thermal discharges into receiving bodies of water.
	6.5.2.2.5 Page 6.5-86		Clean Water Act § 311; 33 USC §1321; 40 CFR Parts 110, 112, 116, 117.	Central Coast RWQCB, with EPA Region IX oversight.	SPCC Plan for mitigation and reporting of any prohibited discharge of oil or hazardous substance.
	6.5.1.1, 6.5.2.2, 6.5.2.2.3 Pages 6.5-6, 6.5-60, 6.5-70 through 6.5-85 Appendix 6.5-1		Clean Water Act §316(a); 33 USC §1326(a); 40 CFR part 401.	Central Coast RWQCB, with EPA Region IX oversight.	Regulation of thermal discharges; requirement to use BTA for intake structures.
			Clean Water Act §316(b); 33 USC §1326(b); 40 CFR part 401.	Central Coast RWQCB, with EPA Region IX oversight.	Requires location and design of cooling water intake structures reflect best technology available.
			Clean Water Act §320; 33 USC §1330; 40 CFR part 35, National Estuary Program.	Cal. EPA, Central Coast RWQCB, and Morro Bay Management Plan Task Force.	Establishes National Estuary Program and calls for cooperative protection of estuaries such as Morro Bay.
	6.5.2.1, 6.5.2.2.1 Pages 6.5-54 through 6.5-60, 6.5-63		Rivers and Harbors Act Section 9; 33 USC Section 401; (RGL 82-15).	U.S. Coast Guard.	Requires approval of plans to build structures over navigable waters subject to the tide.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.5 Water Resources (Cont'd)		Federal (Cont'd)	National Flood Insurance 42 USC § 4101; 44 part 70.	Federal Emergency Management Administration.	Approval of revised flood map or construct to flood plain requirements. The mapping corresponds to insurance requirements for building within flood plain.
			Executive Order No. 11988.	Various Agencies.	Each Federal agency is required to evaluate potential effects of any action on a floodplain.
	6.4.2.1, 6.4.2.2, 6.4.2.4, 6.5.2.2.4 Pages 6.4-9 through 6.4-15, 6.5-85	State	California Porter-Cologne Water Quality Control Act of 1972; California Water Code, §13000-14957, 23 CCR.	Central Coast RWQCB.	Authorizes the State to develop and implement a statewide program for water quality control.
	6.5, 6.5.1.3, 6.5.1.3.2, 6.5.1.4.1, 6.5.1.9, 6.5.2.1, 6.5.2.2, 6.5.2.2.1, 6.5.2.2.5 Pages 6.5-1, 6.5-7, 6.5-15, 6.5-20, 6.5-53, 6.5-54, 6.5-60, 6.5-63, 6.5-86		California Water Code §13269; 23 CCR Chapter 9.	Central Coast RWQCB.	Waste discharge requirements for waste that can affect the quality of waters of the state.
			California Ocean Plan, California Water Code §13170.2.	SWRCB.	Requires implementation of a water quality control plan for the ocean waters of California.
	6.5, 6.5.1.1, 6.5.1.3, 6.5.1.3.1, 6.5.2.2.1, 6.5.2.2.2, 6.5.2.2.3 Pages 6.5-1, 6.5-5, 6.5-6, 6.5-7, 6.5-8, 6.5-63, 6.5-70		California Constitution, Article 10 §2.	SWRCB.	Avoid wasting or unreasonable uses of water. Regulates methods of water diversion and use.
			SWRCB Res. 75-58 "Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Power Plant Cooling".	SWRCB.	Gives priority to the use of ocean, rather than fresh, waters for power plant cooling.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.5 Water Resources (Cont'd)		State (Cont'd)	SWRCB Res. 74-43 "Water Quality Control Policy for the Enclosed Bays and Estuaries of California".	SWRCB.	Delineates prohibitions on waste discharges.
	6.5.1.1, 6.5.2.2.1, 6.5.2.2.2 Pages 6.5-6, 6.5-63, 6.5-63		Water Quality Control Plan for Control of Temperatures in ...Waters...of California (Thermal Plan) Appendix A-3.	Central Coast RWQCB.	Regulate thermal discharges to waters of the state.
			Morro Bay Management Plan, PRC §28000 et seq.	California EPA, Central Coast RWQCB, Morro Bay Management Plan Task Force.	Nominated Morro Bay as a National Estuary under §320 of the Clean Water Act and called for the creation of the Morro Bay Comprehensive Conservation and Management Plan.
	6.5 Pages 6.5-1		California PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309, Chapter 2, Subchapter 5, Article 1, Appendix B, Part (1).	California Energy Commission.	Requires information concerning proposed water resources and water quality protection.
			California PRC Section 25523(b); 20 CCR.	California Energy Commission.	Ensures projects located in a coastal zone are consistent with the California Coastal Act.
		Local	City of Morro Bay; Municipal Code Chapter 14.72.040.C.2. Flood Damage Prevention.	City of Morro Bay Public Services Department.	Specifies building requirements and analysis for building in the flood zone.
			City of Morro Bay Zoning Ordinance; Policy 17.48.300.	City of Morro Bay Public Services Department, Planning and Building Division.	Sets information requirements for runoff into environmentally sensitive habitat areas.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURISDICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.6 Biological Resources <ul style="list-style-type: none"> <li>Marine Biological Resources</li> <li>Terrestrial Biology</li> </ul>	Section 6.6B - Terrestrial Biology 6.6B.1.4, 6.6B.1.5, 6.6B.1.6 Pages 6.6B-7 through 6.6B-87, Appendix 6.6B.1-3	Federal	Endangered Species Act of 1973; 16 USC §1531 et seq., 50 CFR Parts 17 and 222.	U.S. Fish and Wildlife Service (USFWS).	Protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats (terrestrial and avian species).
	6.6A.2.3, 6.6B.2 Pages 6.6A-142		Migratory Bird Treaty Act; 16 USC §703-711; 50 CFR Subchapter B.	USFWS.	Protection of migratory birds.
	6.6A.2.4, 6.6A.2.5, 6.6A.2.6, 6.6A.3 Pages 6.6A-143 through 6.6A-150		Marine Mammal Protection Act, 16 USC 1361 et seq.; 50 CFR part 216.	National Marine Fisheries Service and USFWS.	Prohibits the taking of any marine mammal in any port, harbor or other place under U.S. jurisdiction.
	6.6A.2.4 Pages 6.6A-143 through 6.6A-145		Fish and Wildlife Conservation Act, 16 USC Section 2901 et seq.; 50 CFR part 83.	USFWS.	Calls on states to develop conservation plans for fish and wildlife.
	6.6B.3.3 Pages 6.6B-90 through 6.6B-120 6.6B.2.2		Rivers and Harbors Act, Section 9; 33 USC §401 et seq.; RGL 82-5.	U.S. U.S. Coast Guard.	Obtain approval or permit for bridge over navigable waters subject to the tide.
	6.6B.1.5, 6.6B.1.6, 6.6B.2, 6.6A.2.4, 6.6A.2.5, 6.6A.2.6, 6.6A.3 Pages 6.6B-46 through 6.6B-48, 6.6B-86, 6.6A-143 through 6.6A-148, 6.6A-148 through 6.6A-150 Appendices 6.6A-1 through 6.6A-12, 6.6B-1 through 6.6B-3	State	California Endangered Species Act of 1984; California Fish & Game Code §2050-2098.	California Department of Fish and Game (CDFG).	Consultation requirement for threatened or endangered species. Endangered plants and animals are listed in 14 CCR §670.2 and 670.5.
	6.6B.2, 6.6B.1.5, 6.6B.1.4 Pages 6.6B-86, 6.6B-46, 6.6B-7 through 6.6B-46 Appendix 6.6B-1		Native Plant Protection Act of 1977; California Fish and Game Code §1900 et seq.	CDFG.	Protection for plants listed as rare or endangered.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.6 Biological Resources (Cont'd)	6.6B.1.4, 6.6B.1.5, 6.6B.16, 6.6B.2 Pages 6.6B-7, 6.6B-46, 6.6B-47, 6.6B-86 Appendix 6.6B-1 through 6.6B-3	State (Cont'd)	California Fish & Game Code §1930-1933.	CDFG, Natural Heritage Division.	Provides for significant Natural Areas program and natural resources database.
			California Wildlife Protection Act, CDFG Code § 2780 et seq.	CDFG.	Appropriates State funds to various agencies and groups for the acquisition of wildlife habitat areas.
	6.6B.1.5, 6.6B.1.6, 6.6B.2 Pages 6.6B-46, 6.6B-47, 6.6B-86 Appendix 6.6B-1 through 6.6B-3		California Fish & Game Code §3503.	CDFG.	No taking or possessing of nests or eggs of birds.
	6.6B.2, 6.6B.3 Pages 6.6B-86, 6.6B-111		California Fish & Game Code §3511.	CDFG.	Prohibits the taking of any bird listed as fully protected.
			California Fish & Game Code § 3515.	CDFG.	Unlawful to take any non- game migratory bird designated in the Migratory Bird Treaty Act.
			California fish & Game Code §§ 4700 and 5515.	CDFG.	Prohibits the taking of mammals and fish listed as fully protected.
			California Fish & Game Code §5050.	CDFG.	Prohibits the taking of any reptile listed as fully protected.
	6.6B.3, 6.6A.2.4, 6.6A.2.5, 6.6A.2.6 Pages 6.6B-111, 6.6A-143 through 6.6A-148		CEQA; California PRC §21000 et seq.	California Energy Commission.	Protection of California environment.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.6 Biological Resources (Cont'd)	6.6A.1.5, 6.6A.2.4, 6.6A.2.5, 6.6A.2.6, 6.6B.1.5, 6.6B.1.6 Pages 6.6A-143 through 6.6A-148, 6.6B-46 through 6.6B-85	State (Cont'd)	California PRC §25523(a); 20 CCR §1752,1752.5, 2300- 2309 and Chapter 2, Subchapter 5, Article I, Appendix B, Part (i).	California Energy Commission, with comment by CDFG.	Inclusion of requirements for Commission decision on AFC to assure protection of listed species.
			California Pesticide Regulations, 3 CCR, Division 6.	California Department of Pesticide Regulation.	Requires minimizing the use of rodenticides and herbicides.
	6.6A.2, 6.6A.B Pages 6.6A-85, 6.6A-148		California Coastal Act of 1976 §30230.	Central Coast RWQCB.	Requires use of marine environment so as to sustain long-term productivity.
	6.6A-3 Pages 6.6A-148 through 6.6A-150		California Coastal Act of 1976 §30231.	Central Coast RWQCB.	Requires minimization of effects of wastewater discharges and entrainment and maintaining biological productivity and quality of coastal waters.
	6.6B.1.5, 6.6B.2 Pages 6.6B-46 through 6.6B-86		California Coastal Act of 1976 §30240.	California Energy Commission.	Requires protection of sensitive habitat.
			Shellfish Protection Act, Cal. Water Code Section 14951- 14958.	Central Coast RWQCB.	Protects commercial shellfish growing areas from point and nonpoint source pollution.
			California Native Species Conservation and Enhancement Act, CDFG Code Section 1750 et seq.	CDFG.	Mandates maintenance of sufficient populations of native species to ensure continued existence.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.6 Biological Resources (Cont'd)	6.6B.1.5 Pages 6.6B-46	Local	City of Morro Bay General Plan, Coastal Land Use Plan, and Zoning Ordinance (See text Section 7.4.6.3).	City of Morro Bay Public Services Department, Planning and Building Division.	Contain environmental protection policies and programs. Together call for protection of environmentally sensitive habitat areas. Specifies types of permitted uses, buffer zones, and conservation easement requirements.
			Bird Sanctuary, Chapter 7.20.	City of Morro Bay.	The City Council established protections for birds and their nests by designating Morro Bay as a Bird Sanctuary.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.
7.4.7 Cultural Resources (see 7.4.8 of this table)	See 7.4.8 of this table.	See 7.4.8 of this table.	See 7.4.8 of this table.	See 7.4.8 of this table.	See 7.4.8 of this table.
7.4.8 Cultural and Paleontological Resources	Section 6.7 - Cultural Resources; Section 6.8 - Paleontological Resources	Federal	None applicable.	None applicable.	None applicable.
	6.7.2, 6.7.2.2 Page 6.7-11 through 6.7-12	State	California Environmental Quality Act (CEQA); PRC §21083.2; 14 CCR §15064.5, 15126.4, 15331, Appendix G.	California Energy Commission.	Requires findings by state lead agency regarding project-related effects to important cultural resources.
	6.7.2.1, 6.7.2.2, 6.7.2.4 Pages 6.7-11 through 6.7-14		PRC §25523(a), 25527; 20 CCR §1752, 1752.5, 2300-2309; Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	California Energy Commission.	Requires consideration of unique historical, archaeological and cultural sites.
	6.7.1.5 Pages 6.7-10		PRC §5097.94 and 5097.98.	Native American Heritage Commission.	Mediation of disputes and identification of Most Likely Descendants of discovered Native American human remains.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.8 Cultural and Paleontological Resources (Cont'd)	6.7.1.5, 6.7.2.4 Pages 6.7-10, 6.7-13	State (Cont'd)	PRC §5097.99.	Native American Heritage Commission.	Establishes felony to remove or possess unauthorized Native American remains or grave goods.
	6.7.1.4 Pages 6.7-9, 6.7-10		PRC §5024.1.	State Historical Resources Commission.	Establishes California Register of Historical Resources and procedures for nominating sites to the Register.
	6.7.1.5 Pages 6.7-10		California Health & Safety Code §7050.5.	San Luis Obispo County Coroner.	Determination of origin of human remains and coordination with NAHC.
	6.7.1.5, 6.7.2.4 Pages 6.7-10, 6.7-13		California Health and Safety Code §7054, 7500, 10375, 7114, 7052; Government Code 27491.	San Luis Obispo County Coroner.	Establish procedures for historic remains and coordination with County Coroner.
	6.7.2.4 Pages 6.7-13		California Health and Safety Code §8101.	Office of District Attorney.	Establishes criminal penalties for disturbing a gravesite.
	6.7.2.4, 6.7.3, 6.8.2.4, 6.8.3 Pages 6.7-13, 6.7-14, 6.8-11		California Coastal Act of 1976; PRC §30244.	California Energy Commission, California Coastal Commission.	Requires reasonable mitigation for impacts to archaeological or paleontological resources.
	6.7.1.2, 6.7.1.4, 6.7.1.5, 6.7.2.4 Pages 6.7-3, 6.7-9 through 6.7-10, 6.7-13 Appendix 6.7-2	Local	City of Morro Bay Coastal Land Use Plan, Chapter VI, Archaeology, policies 4.01-4.08.	City of Morro Bay Public Services Department, Planning and Building Division.	Protection of Morro Bay's archaeological resources.
			City of Morro Bay General Plan, Open Space and Conservation Elements II.C.13, Archeological Resources.	City of Morro Bay Public Service Department, Planning and Building Division.	Provide for protection of archeological resources within the city, including survey reports, environmental assessments, and activity restrictions.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.8 Cultural and Paleontological Resources (Cont'd)		Local (Cont'd)	City of Morro Bay Zoning Ordinance, 17.48.310.	City of Morro Bay Public Service Department, Planning and Building Division.	Provide for protection of archeological resources within the city, including survey reports, environmental assessments, and activity restrictions.
	6.8.1.3, 6.8.2.4 Pages 6.8-4, 6.8-11	Industry	Society of Vertebrate Paleontology (SVP).	None applicable.	Meet SVP guidelines.
7.4.9 Land Use	Section 6.9 - Land Use	Federal	CZMA 16 USC §1451 and §1456(c)(3)(A).	California Energy Commission or California Coastal Commission.	Consistent with Coastal Plan.
	6.9.2 Pages 6.9-1 through 6.9-22	State	PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309; Chapter 2, Subchapter 5, Appendix B, Part (i) (3) and (4).	California Energy Commission.	Evaluate compatibility of proposed project with relevant land use plans.
	6.9.3.2.1, 6.9.4.1.2; Pages 6.9-24, 6.9-38		Warren-Alquist Act, PRC §25500 et seq.	California Energy Commission.	Requires public access to coastal resources as a condition of certification of a facility in a coastal zone.
			Warren-Alquist Act, PRC Section 25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (i)(3) and (4).	California Energy Commission.	Provisions to assure protection of environmental quality, including compatibility of a proposed project with relevant land use plans.
			California PRC §§ 25523(b) and 25507(a) and 30413.	California Energy Commission and Coastal Commission.	CEC decision is to meet the objectives of the Coastal Commission report on the suitability of the project.

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.9 Land Use (Cont'd)	6.9.3.2.2, 6.9.4.1.1; Pages 6.9-24, 6.9-37	State (Cont'd)	California Coastal Act of 1976 Section 30000 et seq.	California Coastal Commission.	Governs land use planning along coast. Existing power plants at the time of the act cannot be deemed unsuitable for coastal siting.
		Local	See "Land Use Plans and Policies Specific to Morro Bay Power Plant Project" (Table 6.9-3).	City of Morro Bay Public Services Department, Planning and Building Division with appeal of Coastal Land Use Plan to California Coastal Commission.	Project will meet local requirements.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.
7.4.10 Socioeconomics	Section 6.10 - Socioeconomics 6.10.2.2.9 Pages 6.10-46	Federal	Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.	California Energy Commission.	Project will have no minority-based or income-based disparate impacts.
	6.10.2 Pages 6.10-38 through 6.10-49	State	PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309 and Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR §15131.	California Energy Commission.	Requirement to include economic or social effects analysis in AFC.
	6.10.2.2.5 Page 6.10-41		Cal. Gov't. Code §53080, 65955-65997.	San Luis Coastal Unified School District.	Provides for assessment of school impact fees on industrial construction.
	None Applicable	Local	None applicable.	None applicable.	None applicable.
	None Applicable	Industry	None applicable.	None applicable.	None applicable.
7.4.11 Traffic and Transportation	Section 6.11 - Traffic and Transportation 6.11.2.1.1 Pages 6.11-29	Federal	49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B.	California Department of Transportation (Caltrans).	Meet standards for transport of hazardous materials.

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**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE  
(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.11 Traffic and Transportation (Cont'd)	6.11.2.1.2, 6.11.2.1.3 Pages 6.11-30, 6.11-59	State	California Vehicle Code, §35780; California Streets & Highways Code §117, 660-711; 21 CCR §1411.1-1411.6.	Caltrans.	Requires transportation permits for overloads.
	6.11.2.1.1 Pages 6.11-29		California Vehicle Code §31300 et seq.	Caltrans.	Meet provisions for transport of hazardous materials on state highways.
			California Vehicle Code §353.	Caltrans.	Defines hazardous materials.
			California Vehicle Code §§31303-31309.	Caltrans.	Regulates highway transportation of hazardous materials and the routes used.
			California Vehicle Code §31030.	Caltrans.	Permit applications to identify shipping routes proposed to utilize particular waste streams.
			California Vehicle Code §§31600-31620.	Caltrans.	Regulate the transport of explosive materials.
			California Vehicle Code §32000-32053.	Caltrans.	Regulate the licensing of carriers of hazardous waste.
			California Vehicle Code §32100-32109.	Caltrans.	Establish special requirements for the transport of inhalation hazards and poisonous gases.
			California Vehicle Code §34000-34121.	Caltrans.	Establishes special requirements for the transportation of flammable and combustible liquids.

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**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE  
(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.11 Traffic and Transportation (Cont'd)		State (Cont'd)	California Vehicle Code §34500, 34501, 34501.2, 34501.4, 34501.10, 34505.5-7, 34507.5, and 34510-11.	Caltrans.	Regulate the safe operation of vehicles, including those used for transport of hazardous materials.
			California Vehicle Code §2500-2505.	Caltrans.	Authorize the issuance of licenses by the Commissioner of the California Highway Patrol for the transport of hazardous materials.
			California Vehicle Code §1369, 15275, and 15278.	Caltrans.	Address the licensing of drivers and the class of license required for the operation of certain types of vehicles.
			California Streets and Highways Code §660, 670, 1450, 1460 et seq., 1470, and 1480.	Caltrans.	Regulate right of way encroachment and the granting of permits for encroachment on state and county roads.
			California Health and Safety Code §§25160 et seq.	Caltrans.	Address the safe transport of hazardous materials.
	6.11.1.1, 6.11.2.1.1, 6.11.2.1.2 Pages 6.11-5, 6.11-29 through 6.11-58		California Coastal Act of 1976; City of Morro Bay Coastal Land Use Plan.	City of Morro Bay Public Services Department, Planning and Building Division.	Public access shall be provided and protected, as appropriate, but not to the exclusion of coastal-dependent industry.
	6.11.2.1.1, 6.11.2.1.2 Pages 6.11-29 through 6.11-58		California Coastal Act of 1976; City of Morro Bay Land Use Plan, Section 30210.	City of Morro Bay Public Services Department, Planning and Building Division.	Provides maximum access and recreational opportunities; protects from overuse of natural resource areas.

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**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
**(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.11 Traffic and Transportation (Cont'd)	6.11.2.1.1, 6.11.2.1.2 Pages 6.11-29 through 6.11-58	State (Cont'd)	California Coastal Act of 1976; City of Morro Bay Land Use Plan, Section 30212.5.	City of Morro Bay Public Services Department, Planning and Building Division.	Provide public facilities to protect from overuse or overcrowding.
	6.11.1.1, 6.11.1.2, 6.11.1.3 Pages 6.11-5 through 6.11-26		California Coastal Act of 1976; City of Morro Bay Land Use Plan, Section 30222.	City of Morro Bay Public Services Department, Planning and Building Division.	Establishes priority of coastal-dependent industry over coastal recreation on private lands.
	6.11.1.1, 6.11.1.3, 6.11.2.1, 6.11.2.2, 6.11.2.4 Pages 6.11-5, 6.11-11, 6.11-29 through 6.11-76	Local	City of Morro Bay General Plan, Circulation Element.	City of Morro Bay Public Services Department, Planning and Building Division.	Comply with circulation goals and policies.
	6.11.1.1, 6.11.5 Pages 6.11-5, 6.11-77		City of Morro Bay Coastal Land Use Plan.	Morro Bay Planning Department, with oversight by the California Coastal Commission. Implemented by the California Energy Commission.	Provisions of the state Coastal Act are applicable to and must be complied with at the local level.
	6.11, 6.11.1.1, 6.11.2.1.1 Pages 6.11-1, 6.11-5, 6.11-29		City of Morro Bay Coastal Land Use Plan, Policy 1.19.	California Energy Commission with participation and comment by the California Coastal Commission.	Establishes specific priority for bicycle bridge over Morro Creek.
	None applicable	Industry	None applicable.	None applicable.	None applicable.
7.4.12 Noise	Section 6.12 - Noise Control 6.12.1.1, 6.12.2.1 Pages 6.12-4, 6.12-36	Federal	EPA Noise Guidelines, 1974.	None applicable.	Guidance Level.
	6.12.2, 6.12.2.2 Pages 6.12-27 through 6.12-56		Occupational Safety and Health Act of 1970 (OSHA); 29 CFR §1919 et seq.	Fed-OSHA.	Comply with worker noise exposure standards.
	6.12.1.1.1, 6.12.1.1.2 Pages 6.12-4		Noise Control Act (1972) as amended by the Quiet Communities Act (1978); 42 USC 4901-4918.	None applicable.	Guidance Level.

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**TABLE 7-1**

**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.12 Noise (Cont'd)	6.12.2, 6.12.2.2.2 Pages 6.12-27 through 6.12-56	State	Cal-OSHA Occupational Noise Exposure Regulations; 8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, §5095, et seq.	Cal-OSHA.	Comply with worker noise exposure standards.
	6.12.1.1.2, 6.12.2 Pages 6.12-4, 6.12-27		California Noise Control Act of 1973; California Health and Safety Code, Division 28 §10.60.	None applicable.	Provides for state assistance to local agencies.
			California Environmental Quality Act; 14 CCR 15000 et seq.; Appendix G §x1.	California Energy Commission.	Provides guidelines for determining when a significant noise impact may exist.
	6.12.2.2 Pages 6.12-44 through 6.12-56; Table 6.12-9	Local	City of Morro Bay Zoning Ordinance, Section 17.52.030.B. Noise Requirements, Operational Hours.	City of Morro Bay Public Services Department, Planning and Building Division.	Comply with noise standards at property line and delivery schedules.
	6.12.2.2 Pages 6.12-44 through 6.12-56; Table 6.12-9		City of Morro Bay Zoning Ordinance, Section 17.52.030, Table 2.	City of Morro Bay Public Services Department, Planning and Building Division.	Establishes day, night and hourly noise limits at property line of receiving use.
	6.12.1.1.2, 6.12.1.1, 6.12.2 Pages 6.12-4, 6.12-4, 6.12-27		Morro Bay General Plan, Noise Element.	City of Morro Bay Public Services Department, Planning and Building Division.	Comply with noise standards and mitigation requirements.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.

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**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
**(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS-DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.13 Visual Resources	Section 6.13 - Visual Resources Page 6.13-1	Federal	None applicable.	None applicable.	None applicable.
		State	California Environmental Quality Act; 14 CCR §15382.	California Energy Commission.	Provide standards for evaluating the significance of a visual change.
			State Scenic Highway, State and Highway Code §261.	Caltrans.	Recognizes local ordinances that preserve the scenic quality of the designated corridor and encourages quality development that does not degrade this quality.
		Local	See "Applicable Laws, Ordinances, Regulations, and Standards that Relate to the Landscape Plan" (Table 6.13-8).	See "Applicable Laws, Ordinances, Regulations, and Standards that Relate to the Landscape Plan" (Table 6.13-8).	Project will meet local requirements.
	None applicable.	Industry	None applicable.	None applicable.	None applicable.
7.4.14 Waste Management (see 7.5.15 of this table)	See 7.4.15 of this table.	See 7.4.15 of this table.	See 7.4.15 of this table.	See 7.4.15 of this table.	See 7.4.15 of this table.
7.4.15 Hazardous Materials and Waste Management	Section 6.14 - Waste Management; Section 6.15 - Hazardous Materials 6.14.1.2, 6.14.1.2.2, 6.14.1.3.2, 6.14.1.4, 6.14.2.1.1, 6.14.2.4 Pages 6.14-4 through 6.14-25	Federal	RCRA; 42 USC §6901 et seq.; 40 CFR Parts 260-272.	EPA Region IX; Cal-EPA, Department of Toxic Substances Control (DTSC).	Management of hazardous wastes.
	6.15.1, 6.15.2, 6.15.2.2.11 Pages 6.15-4 through 6.15-10, 6.15-10 through 6.5-41, 6.15-38		CERCLA ("Superfund"), 42 USC §9601 et seq.; 40 CFR Part 302, as amended by SARA; 40 CFR Part 302, (SARA Title III); 42 USC §11001 et seq.; 40 CFR Parts 350, 355, 370.	EPA Region IX; San Luis Obispo County Environmental Health Department.	CERCLA – Release notification requirements; SARA Title III – reporting requirements for storage, handling, or production of significant quantities of hazardous or acutely hazardous waste.

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**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE**  
(Continued)

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.15 Hazardous Materials and Waste Management (Cont'd)	6.15.2.2.1, 6.15.2.2.10, 6.15.2.2.11, 6.17.1.2, 6.17.1.3 Pages 6.15-18, 6.15-37, 6.15-38, 6.17-15 through 6.17-20	Federal (Cont'd)	29 USC 651; 29 CFR §1910 et seq., §1926 et seq.	EPA; Cal-OSHA.	Meet requirements for equipment used to store and handle hazardous materials necessary to protect workers.
	6.14.1.2, 6.14.1.2.2, 6.14.2.4 Pages 6.14-4 through 6.14-12, 6.14-25		49 CFR, Parts 172, 173, 179.	Department of Transportation; California Highway Patrol.	Meet standards for labels, placards, and markings on hazardous waste shipments.
	6.15, 6.15.1, 6.15.2.2.1 Pages 6.15-1 through 6.15-21		CAA, Section 112(r).	California Office of Emergency Services.	Preparation of Risk Management Plan (RMP) for hazardous materials stored on project site.
	6.14.1.2, 6.14.1.2.1, 6.14.1.2.2, 6.14.1.3.2, 6.14.2.2 Pages 6.14-14 through 6.14-10, 6.14-12, 6.14-14, 6.14-21; Tables 6.14-3, 6.14-5, 6.14-6	State	California Porter-Cologne Water Quality Control Act; California Water Code §13260-13269; 23 CCR §2510 Article 9 et seq.	SWRCB; Central Coast RWQCB.	Waste discharge requirements – address storage or disposal of liquid wastes.
	6.14.1.2, 6.14.1.2.2, 6.14.1.3.2, 6.14.1.4, 6.14.2.1.1, 6.14.2.4 Pages 6.14-4, 6.14-12, 6.14-14, 6.14-15, 6.14-17, 6.14-25		Hazardous Waste Control Act of 1972, as amended; California Health & Safety Code §25100 et seq.; 22 CCR 66001 et seq.	EPA; DTSC; San Luis Obispo County Environmental Health Department; Morro Bay Fire Department.	Meet requirements for management of hazardous wastes.
	6.14.1.2, 6.14.1.3.2, 6.14.2.1.1, 6.14.2.4, 6.15 Pages 6.14-4, 6.14-14, 6.14-17, 6.14-25, 6.15-1		8 CCR §339, 3200 et seq., 5139 et seq., 5160 et seq.	California Energy Commission.	Address control of hazardous substances.
	6.16.2 Pages 6.16-10 through 6.16-17		PRC §25523(a); 20 CCR §1752, 1752.5, 2300-2309; Chapter 2, Subchapter 5, Article 1, Appendix B, Parts (3) (c) and (I).	California Energy Commission.	Health Risk Assessment Guidelines.

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**MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE  
(Continued)**

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LORS SECTION	AFC SECTION <sup>(1)</sup>	JURIS- DICTION	AUTHORITY	ADMINISTERING AGENCY <sup>(2)</sup>	REQUIREMENTS/ COMPLIANCE
7.4.15 Hazardous Materials and Waste Management (Cont'd)	6.15, 6.15.1, 6.15.2, 6.15.2.2.2, 6.15.5 Pages 6.15-1, 6.15-4, 6.15-10, 6.15-21, 6.15-41	State (Cont'd)	California Health & Safety Code §25500-25543.3; 19 CCR §2720-2735. California Accidental Release Program (CalARP), California Health & Safety Code §25531 et seq.	San Luis Obispo County Environmental Health Department; Morro Bay Fire Department.	Prepare Hazardous Materials Business Plan and Risk Management Plan.
	6.15.2.2.1, 6.17.1.1.2 Pages 6.15-18, 6.17-10		Uniform Fire Code, Articles 4, 79, 80.	Morro Bay Fire Department.	Provisions regarding fire protection and neutralization systems for emergency venting of compressed gases.
	6.14.1.2, 6.14.1.3, 6.14.2, 6.15.1 through 6.15.2.2.1, 6.15.2.2.10, 6.15.2.4 Pages 6.14-4, 6.14-13, 6.15-1 through 6.15-21, 6.15-37, 6.15-41	Local	City of Morro Bay Zoning Ordinance. Sections 17.52.090, 17.52.100.	Central Coast RWQCB and City of Morro Bay Public Services Department, Planning and Building Division.	Comply with standards that regulate discharge of harmful liquid or solid waste and use and storage of chemicals.
			City of Morro Bay Health and Safety Ordinance § 8.16.160 and 17.48.230 Waste Material Collection Station.	City of Morro Bay Public Services Department, Planning and Building Division.	Major developments required to create refuse collection stations screened from public view.
	6.15.2 Pages 6.15-10	Industry	American Institute of Chemical Engineers - Center for Chemical Process Safety, 1985 Guidelines.	Office of Emergency Services.	Chemical Hazard Evaluation Procedures.
7.4.16 Public Health (see 7.4.2 of this table)	Section 6.16, Public Health	See 7.3.2 of this table.	See 7.3.2 of this table.	See 7.3.2 of this table.	See 7.3.2 of this table.
7.4.17 Worker Safety (see 7.4.2 of this table)	Section 6.17, Worker Safety	See 7.3.2 of this table.	See 7.3.2 of this table.	See 7.3.2 of this table.	See 7.3.2 of this table.

[#532182.2] 98-710/Rpts/AFC(text)/TbIs&Figs (10/21/00/rm)

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.2 – Air Quality	San Luis Obispo County Air Pollution Control District 3433 Roberto Court San Luis Obispo, California 93401 (805) 781-4247 Robert W. Carr, Air Pollution Control Officer	Authority to Construct Permit Permit to Operate Rule 216, Federal Part 70 Permit (Title V) Rule 217, Federal Part 72 Permit (Title IV, Acid Rain)
	U.S. EPA Region IX 75 Hawthorne Street San Francisco, California 94105 (415) 744-1254 Matt Haber, Chief, Permits Office	PSD permit Regulatory Oversight
	California Air Resources Board 2020 L Street Sacramento, California 95814 (916) 322-6026 Ray Menebroker, Chief, Project Assessment Branch (916) 323-8473 Michael Tollstrup, Stationary Source Division	Oversight
6.3 – Geologic Hazards and Resources	California Energy Commission 1516 9 <sup>th</sup> Street, M-S 20 Sacramento, California 95814-5512 (916) 654-4892 Ross Miller	AFC – California Energy Commission
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Participation and Comment
6.4 – Agriculture and Soils	San Luis Obispo County Agricultural Commissioner 2156 Sierra Way San Luis Obispo, California 93401 (805) 781-5910 Richard Greek	Participation and Comment

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
	Regional Water Quality Control Board – Central Coast (RWQCB) 81 Higuera, Suite 200 San Luis Obispo, California 93401 Brad Hagemann, (805) 549-3697 Ron Sherer, (805) 549-3688 Michael Thomas, (805) 542-4623	RWQCB - National Pollution Discharge Elimination System Permit
6.5 – Water Resources	Regional Water Quality Control Board – Central Coast (RWQCB) 81 Higuera, Suite 200 San Luis Obispo, California 93401 Brad Hagemann, (805) 549-3697 Ron Sherer, (805) 549-3688 Michael Thomas, (805) 542-4623	RWQCB - National Pollution Discharge Elimination System Permit
	United States Coast Guard Chief Bridge Section Office David H. Sulouff Building 50-6, Coast Guard Island Alameda, California 94501 Wayne Till (510) 437-3519	Potential Section 9 Required
	Federal Emergency Management Agency Region IX Presidio of San Francisco Building 105 San Francisco, CA 94129 Gregor Blackburn (415) 923-7186	Approval of Revised 100 year Flood Map or construction to floodplain standards
	California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5253 Allison Dettmer	Consistency Report

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.5 – Water Resources (Continued)	California Department of Fish and Game 20 Lower Ragsdale Drive Monterey, California 90802 (562) 590-5132 Deborah Johnson	Advisory
	California Energy Commission 1516 9 <sup>th</sup> Street, MS40 Sacramento, California 95814-5512 (916) 654-5061 Richard Anderson	AFC – California Energy Commission
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Approval of Revised 100 year Flood Map and/or comply with building requirements Permit for construction in the flood plain subsumed by CEC license
6.6 - Biological Resources	U.S. Fish and Wildlife Service Ventura Field Office 2493 Portola Road, Suite B Ventura, California 93003 (805) 644-1766 Diane Steeks	Special-Status Species - Biological Opinion/No Impact letter)
	United States Coast Guard Chief Bridge Section Office David H. Sulouff Building 50-6, Coast Guard Island Alameda, California 94501  Wayne Till (510) 437-3519	Potential Section 9 Required

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.6 - Biological Resources (Continued)	Department of Fish and Game, Region 3 7329 Silverado Trail Napa, California 94558 Mailing: Post Office Box 47 Yountville, California 94599 (707) 944-5525 Mr. Carl Wilcox, Environmental Service Supervisor	Consultation
	California Energy Commission 1516 9 <sup>th</sup> Street, MS40 Sacramento, California 95814-5512 (916) 654-5061 Richard Anderson	AFC – California Energy Commission
	Regional Water Quality Control Board - Central Coast (RWQCB) 81 Higuera, Suite 200 San Luis Obispo, California 93401 Brad Hagemann, (805) 549-3697 Ron Sherer, (805) 549-3688 Michael Thomas, (805) 542-4623	RWQCB - National Pollution Discharge Elimination System Permit
	California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5253 Allison Dettmer	Consistency Report

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.7, 6.8 - Cultural Resources and Paleontological Resources	Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, California 95814 (916) 653-4040 Gail McNulty	Sacred Site Consultation
	California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5253 Allison Dettmer	Consistency Report
6.7, 6.8 - Cultural Resources and Paleontological Resources (Continued)	California Department of Parks and Recreation, Office of Historic Preservation P.O. Box 942896 Sacramento, CA 94296-0001 (916) 653-6624 Hans Kreutzberg	Advisory
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Participation and Comment
6.9 – Land Use	California Coastal Commission (CCC) 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5253 Allison Dettmer	Consistency Report Coastal Zone Management Act consistency determination – determination by CCC or California Energy Commission
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Advisory Conditional Use Permit – subsumed by CEC license Coastal Development Permit – subsumed by CEC license



**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.10 – Socioeconomics	City of Morro Bay Police Department 850 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6225 J. Loven, Chief	Advisory
	City of Morro Bay Fire Department 715 Harbor Drive Morro Bay, California 93442 (805) 772-6242 J.F. Jones, Chief (Note: For a complete list of administrative agency contacts, see Table 6.10-28.)	Advisory
6.11 - Traffic and Transportation	Caltrans 50 Higuera Street San Luis Obispo, California 93401 (805) 549-3131 Lawrence Newland, Intergovernmental Review Coordinator	Oversize Load Permit Encroachment Permit
	City of Morro Bay Public Works Department 695 Harbor Drive Morro Bay, California 93442 (805) 772-6261 Nick Muick	Intergovernmental Coordination
	California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5200 Moiria McEnespy	Consistency Report

**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.12 – Noise	Fed-OSHA Delegated to Cal-OSHA	Compliance with Worker Safety Provisions – Delegated to Cal-OSHA
	Cal-OSHA Division of Occupational Safety and Health 2424 Arden Way, Suite 410 Sacramento, California 95825 (916) 263-2800 Donald Cunningham	Compliance with Worker Safety Provisions
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6380 Greg Fuz	Participation and comment
6.13 - Visual Resources	California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105 (415) 904-5200 Moir McEnespy	Consistency Report
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Participation and comment

**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.14 - Waste Management	San Luis Obispo County Health Agency Division of Environmental Health P.O. Box 1489 2156 Sierra Way San Luis Obispo, CA 93406  (805) 781-5595 FAX (805) 781-9411 Manuel Negrete, Jr. R.S. Environmental Health Specialist	Participation and comment
	State of California California Environmental Protection Agency Department of Toxic Substances Control Region 1 Facility Permitting Branch 10151 Croydon Way, Suite 3 Sacramento, CA 95827 (916) 255-3579 CALNET 8-494-3579 FAX (916) 255-3595 John Papatthakis P.E. Associate Waste Management Engineer	Compliance

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.14 - Waste Management (Continued)	State of California California Regional Water Quality Control Board Central Coast Region 81 Higuera Street, Suite 200 San Luis Obispo, CA 93401-5414 (805) 549-3695 ATSS 629-3695 FAX (805) 543-0397 Sorrel Marks Sanitary Engineering Associate	Compliance
6.15 - Hazardous Materials Handling	U.S. EPA Region IX 75 Hawthorne Street San Francisco, California 94105 (415) 744-1254 Matt Haber, Chief, Permits Office	Participation and Comment
	Cal-OSHA Division of Occupational Safety and Health 2424 Arden Way, Suite 410 Sacramento, California 95825 (916) 263-2800 Donald Cunningham	Compliance
	San Luis Obispo County Environmental Health 2191 Johnson Avenue San Luis Obispo, California 93401 (805) 781-5544 Jeff Poole	Compliance
	Office of Emergency Services, Southern Region 117 West Micheltorens Street, Suite D Santa Barbara, California 93101 (805) 568-1207 Cathy Currie	Oversight

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.15 - Hazardous Materials Handling (Continued)	City of Morro Bay Fire Department 715 Harbor Street Morro Bay, California 93442 (805) 772-6242 Jeff Jones, Fire Chief	Compliance
6.16 - Public Health	San Luis Obispo County Air Pollution Control District 3433 Roberto Court San Luis Obispo, California 93401 (805) 781-5755 Tom Roemer	Compliance
	San Luis Obispo County Environmental Health 2191 Johnson Avenue San Luis Obispo, California 93401 (805) 781-5544 Jeff Poole	Compliance
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Participation and Comment
6.17 - Worker Safety	Cal-OSHA Division of Occupational Safety and Health 2424 Arden Way, Suite 410 Sacramento, California 95825 (916) 263-2800 Donald Cunningham	Compliance
	City of Morro Bay Fire Department 715 Harbor Street Morro Bay, California 93442 (805) 772-6242 Jeff Jones, Fire Chief	Compliance

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**TABLE 7-2**

**ADMINISTRATIVE AGENCY CONTACTS  
AND PERMITTING/APPROVAL AUTHORITIES  
(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
6.18 - Transmission Systems Safety and Nuisance	California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102 [Add Contact] (415) 703-2782	Compliance
	Federal Aviation Administration FAA Western-Pacific Region P.O. Box 92007 Worldway Postal Center Los Angeles, CA 90009-2007 (310) 725-3500 Mr. Dave Kessler, Air Traffic Div., AWP-520 or, FAA Western-Pacific Region 15000 Aviation Boulevard Lawndale, CA 90261	Compliance
	California ISO P.O. Box 639014 Folsom, CA 95630-9014 (916) 351-2120 Ron S. Daschmans	Transmission System Reliability Analysis
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Compliance

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**TABLE 7-2**  
**ADMINISTRATIVE AGENCY CONTACTS**  
**AND PERMITTING/APPROVAL AUTHORITIES**  
**(Continued)**

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APPLICABLE AFC SECTION	LOCAL AUTHORITY OVERSIGHT/ENFORCEMENT AND AGENCY CONTACTS	PERMITTING/APPROVAL AUTHORITY
8.0 – Engineering	California Energy Commission 1516 9 <sup>th</sup> Street, M-S 20 Sacramento, California 95814-5512 (916) 654-9936 Steve Munro	Compliance with Engineering requirements.
	City of Morro Bay Public Services Department 590 Morro Bay Boulevard Morro Bay, California 93442 (805) 772-6215 Greg Fuz	Compliance with Engineering requirements.

[#332448.2] 98-710/Rpts/AFC(text)/TbIs&Figs/Section 7 (10/21/00/rm)

**TABLE 7-3****NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS  
RELATED TO FIRE AND EXPLOSION HAZARDS**

STANDARD	DESCRIPTION
NFPA 1	Fire Prevention Code
NFPA 10	Portable Fire Extinguishers
NFPA 12	Carbon Dioxide Extinguishing Systems
NFPA 13	Installation of Sprinkler Systems
NFPA 14	Installation of Standpipe and Hose Systems
NFPA 15	Water Spray Fixed Systems
NFPA 20	Centrifugal Fire Pumps
NFPA 22	Water Tanks for Private Fire Protection
NFPA 24	Private Fire Service Mains and Their Appurtenances
NFPA 30	Flammable and Combustible Liquids Code
NFPA 37	Combustion Engines and Gas Turbines
NFPA 50A	Gaseous Hydrogen Systems at Consumer Sites
NFPA 68	Explosion Venting
NFPA 69	Explosion Preventing
NFPA 70	National Electric Code
NFPA 72	National Fire Alarm Code
NFPA 78	Lighting Protection Systems
NFPA 291	Testing and Marking Hydrants
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
NFPA 497	Flammable and Combustible Liquids Classification
NFPA 1961	Fire Hose
NFPA 1962	Care, Use and Service Testing of Fire Hose Including Couplings and Nozzles
NFPA 1963	Screws, Threads, and Gaskets for Fire Hose Connections
NFPA 2001	Clean Agent Fire Extinguishing Systems
NFPA 8501	Standard for Single Boiler Operation

98-710/Rpts/AFC/Text/Tbls&amp;Figs (6/9/99/dh)



**TABLE 7-4**  
**POTENTIALLY APPLICABLE OCCUPATIONAL SAFETY AND HEALTH**  
**TOPICS PRESCRIBED BY TITLE 8 CCR**

STANDARD	DESCRIPTION
Occupational Safety and Health Standards 401-428	Definitions Administration Variances Appeals Officers Hearing Board
General Industry Safety Orders; Title 8, Sections 3200-6184	Employee/Employer Communications Injury and Illness Prevention Program Emergency Action Plan Fire Prevention Plan Hazardous Materials <ul style="list-style-type: none"> <li>Control of Hazardous Substances</li> <li>Hazard Communication</li> </ul> Hazard Communication Emergency medical Procedures Personal Protective Equipment Airborne Contaminants Signs, Tags, Barriers Noise Levels Ventilation Flammable/Combustible Materials Handling and Storage Fire Protection Systems Machine Guarding Crane and Hoist Operation Heavy Equipment and Machine Operation Rigging Sanitary Facilities Traffic Safety Interface with other Contractors Miscellaneous Hazards, including hot pipes, compressed air system, relief valves, pipelines, loading docks
General Construction Safety Orders; Title 8, Sections 1500-1938	High Voltage Electrical Safety Orders Construction Accident Prevention Plan Weekly Toolbox Meetings Traffic Accidents and Earth Moving Hoist Equipment Reinforcing Concrete Fall Protection and Scaffolding Electrical Installations Evacuation Plan and Procedures Fire Safety Airborne Contaminants Emergency medical Procedures Personal Protective Equipment Hand and Power Tool Use Crane and Hoist Operation Pile Driving Illumination Housekeeping Excavations
Electrical Safety Orders Title 8, Sections 2299-2974	High Voltage Installation, Operation and Maintenance Low Voltage Hazards High Voltage Hazards

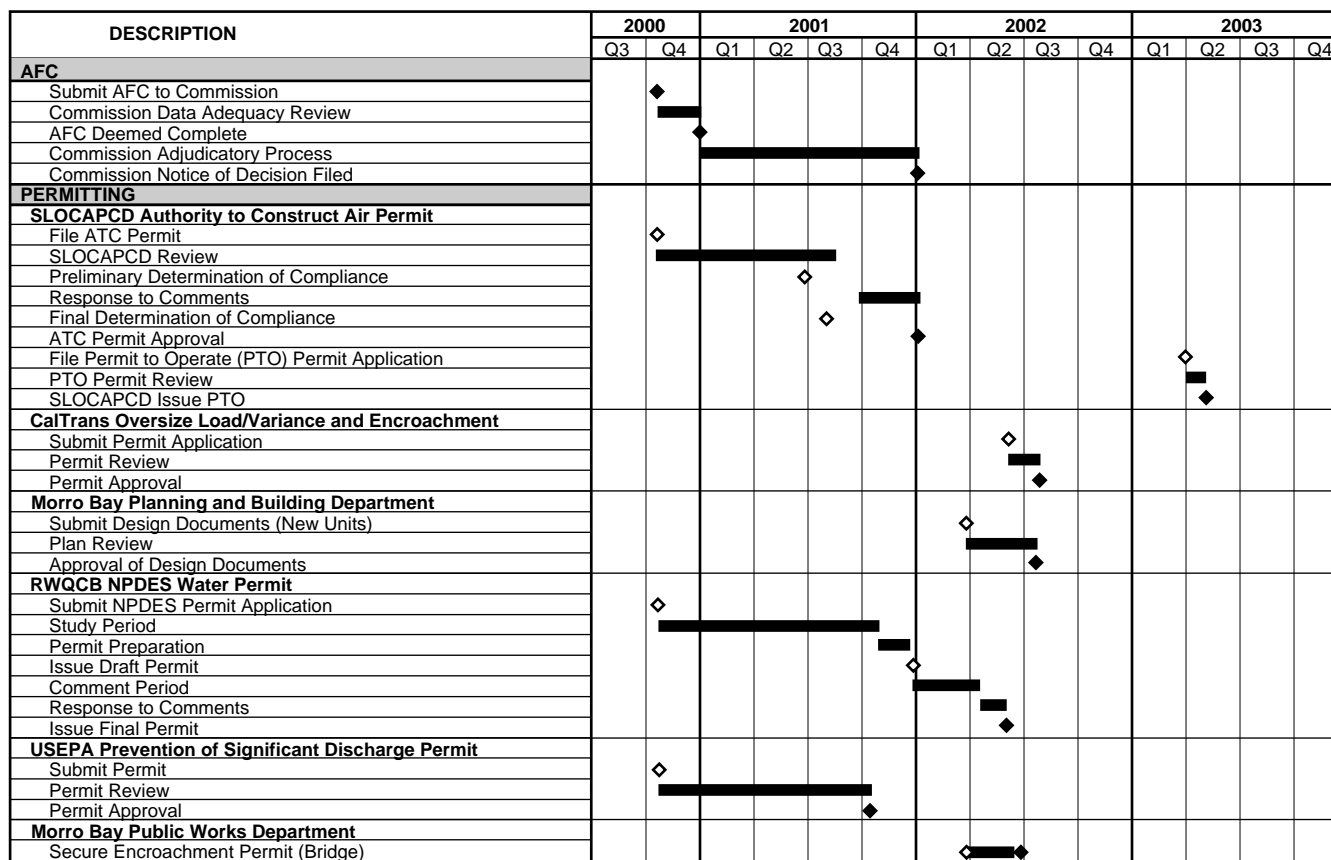
98-710/AFCText/Tbls/Sect 7 (6/2/99/ks)

**TABLE 7-5**

**POTENTIALLY APPLICABLE INDUSTRY CODES  
AND STANDARDS**

INDUSTRY/ASSOCIATION OR CODE	ACRONYM
American Association of State Highway Officials	AASHO
American Institute of Steel Construction Specifications	AISC
American National Standards Institute	ANSI
American Petroleum Institute	API
American Society for Testing and Materials	ASTM
American Society of Heating, Refrigeration, and Air Conditioning Engineers	ASHRAE
American Society of Nondestructive Testing	ASNT
American Standards for Mechanical Engineering	ASME
American Water Works Association	AWWA
American Welding Society	AWS
Asphalt Institute, Pacific Coast Division	--
California Building Code	CBC
California State Fire Marshall	CSFM
Heat Exchanger Institute	--
Hydraulic Institute Standards	--
Institute of Electrical and Electronic Engineers	IEEE
Instrument Society of America	ISA
International Brotherhood of Electrical Workers	IBEW
National Institute of Occupational Safety and Health	NIOSH
Standards of Tubular Exchanger Manufacturers Association	TEMA
Steel Structures Painting Council Standards	SSPC
Underwriters Laboratories	UL
Uniform Building Code	UBC
Uniform Fire Code	UFC
Uniform Mechanical Code	UMC
Uniform Plumbing Code	UPC

98-710/Rpts/AFC(Text)/TbIs&Figs (8/18/99/ey)

**LEGEND**

- ◆ START TASK
- ◆ END TASK
- LENGTH OF TASK

**AFC/PERMITTING SCHEDULE**

DUKE ENERGY MORRO BAY LLC  
MORRO BAY POWER PLANT

**TRC****FIGURE 7-1**